

Closed Caption Log, Council Meeting, 02/01/07

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN AND IT'S MY PRIVILEGE TO WELCOME PASTOR DOYIN OKE FROM THE REDEEMED CHRISTIAN CHURCH OF GOD SALVATION CENTER TO LEAD US IN OUR INVOCATION. PLEASE RISE. PASTOR?

THANK YOU, MAYOR AND CITY COUNCILMEMBERS. LADIES AND GENTLEMEN, I WANT TO THANK YOU FOR THE INVITATION THIS MORNING TO DO THE INVOA...VOCATION. SHALL WE BOW OUR HEADS TO PRAY? OUR FATHER AND OUR GOD, WE ARE GATHERED HERE THIS MORNING IN YOUR PRESENCE AND WE KNOW THAT YOU SEE ALL THING AND YOU KNOW ALL THINGS. WE ASK FOR WISDOM, WE ASK FOR GRACE, WE ASK FOR PEACE FOR THIS CITY OF AUSTIN FOR OUR COUNCILMEMBERS. LORD, WE ASK THAT THIS CELEBRATION WILL BE FLEETION PLEASING IN YOUR SIGHT. GIVE THEM THE COURAGE, THE GRACE TO DO WHAT IS RIGHT, TO THINK WHAT IS RIGHT, TO APPROVE WHAT IS RIGHT. WE ASK, OH LORD, THAT YOUR PEACE WILL CONTINUE IN THIS CITY IN THE NAME OF JESUS. THANK YOU, FATHER FOR WE PRAY IN THE NAME OF JESUS. ONCE AGAIN I WANT TO SAY THANK YOU AND YOU CAN COUNT ON THE SUPPORT OF OUR CHURCH, REDEEMED CHRISTIAN CHURCH OF GOD SALVATION CENTER. GOD BLESS THE CITY OF AUSTIN, GOD BLESS TEXAS AND GOD BLESS THE

UNITED STATES OF AMERICA. AMEN.

Mayor Wynn: AMEN. THANK YOU, PASTOR. THERE BEING A QUORUM PRESENT, I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, FEBRUARY 1st, 2007. APPROXIMATELY 20 MINUTES AFTER 10 IN THE MORNING. WE ARE HERE IN THE CITY COUNCIL CHAMBERS, CITY HALL BUILDING, 30... 301 WEST SECOND STREET. I'M GOING TO ANNOUNCE NOW THAT COUNCILMEMBER MCCRACKEN IS TRAVELLING AND WON'T OBTAIN DAIS TODAY, SO I WON'T BOTHER TO ANNOUNCE THAT AFTER EACH VOTE. WELCOME THE COUNCILMEMBER BACK AT OUR NEXT MEETING. I ALSO WOULD LIKE TO THANK MAYOR PRO TEM BETTY DUNKERLEY FOR PRESIDING OVER LAST WEEK'S CITY COUNCIL MEETING. I WAS TRAVELLING IN WASHINGTON, D.C. AND I ACTUALLY SAT UP THE OTHER NIGHT AND WATCHED THE REPLAY OF THE CITY COUNCIL MEETING. IT WENT BEAUTIFULLY. THANK YOU.

Dunkerley: THANK YOU. I WANT TO SAY TO YOU FOR THE REST OF THE COUNCIL OR AT LEAST TO ME, IT TAKES A LOT OF PRACTICE TO USE ALL THOSE LITTLE BUTTONS YOU HAVE. [LAUGHTER] I HAVE A AGREEING..... GREAT DEAL OF RESPECT FOR YOUR EXPERTISE.

THANK YOU. I'M STILL PRACTICING. SO WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ACTUALLY, FIRST I SHOULD SAY THAT OUR TIME CERTAINS TODAY, OUR TIMED AGENDA WILL BE THAT AFTER WE GO THROUGH THE CONSENT AGENDA THIS MORNING, AT 10:30 THIS MORNING WE HAVE A BRIEFING WHERE WE WILL DISPLAY THE SEAHOLM CONCEPTUAL DESIGN REGARD.....REGARDING THE SEAHOLM POWER PLANT AND THE AREA AROUND IT. AT NOON WE BREAK FOR GENERAL CITIZEN COMMUNICATION. AT 2:00 WE HAVE OUR AFTERNOON BRIEFING, A PRESENTATION ON THE FAMILIES WITH CHILDREN REPORT. AT 3:00 WE TECHNICALLY WILL RECESS THE CITY COUNCIL AND CALL TO ORDER THE AUSTIN HOUSING FINANCE CORPORATION FOR CALL THAT BRIEF

MEETING WITH THEIR POSTED AGENDA. 4:00 O'CLOCK WE GO TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. 5:30 AS USUAL WE BREAK FOR LIVE MUSIC AND PROCLAMATION. OUR MUSICIAN TODAY IS DANA FAULK ENBERRY. AND AT 6:00 O'CLOCK WE CONDUCT OUR PUBLIC HEARINGS. SO OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA, WE SHOULD NOTE THAT ITEM NUMBER 15 AND PUBLIC HEARING NUMBER 63 -- ITEM NUMBER 15 HAS BEEN POSTPONED INDEFINITELY AND ITEM NUMBER CEA, A PUBLIC HEARING, -- 63, A PUBLIC HEARING, HAS BEEN WITHDRAWN. AWM 52 WE SHOULD INCLUDE THE PLANNING COMMISSION RECOMMENDATION THAT IS TO ALLOW RESIDENT CONDOMINIUM CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. ON ITEM NUMBER 53 WE SHOULD INCLUDE THE PLANNING COMMISSION RECOMMENDATION OR NOTING THAT IT IS TO BE REVIEWED ON FEBRUARY 13TH, 2007. ON ITEM NUMBER 58 WE SHOULD STRIKE THE WORDS COMMUNITY COMMERCIAL AND INSERT THE PHRASE MIXED USE. AND SO THAT PORTION OF THE SUMMARY WOULD BE AMENDING THE FUTURE LAND USE MAP FROM SINGLE-FAMILY TO MIXED USE FOR THE PROPERTY LOCATED AT 1901 TO 1903 EAST 11TH STREET. ALSO ITEM NUMBER 60, THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT MIXED USE DESIGNATION. AND ON ITEM NUMBER 61 THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND TOWNHOUSE AND RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THAT'S ITEM NUMBER 61. AND THEN WE SHOULD NOTE ON ITEM NUMBER 65 IN A IT COMES RECOMMENDED BY THE PLANNING COMMISSION. ON COUNCIL, OUR POTENTIAL CONSENT AGENDA THIS MORNING -- BEFORE I GO THROUGH IT KNEW..... NUMERICALLY. ITEMS NUMBER NINE AND 10 HAVE BEEN PULLED BY COUNCILMEMBER THREE LEE LEFFINGWELL. FIVE, SIX, 23, 24 OR RELATED TO EXECUTIVE SESSION POSTED ITEMS, SO THOSE WON'T BE ON THE CONSENT AGENDA, THEY'LL BE TAKEN UP TIMES AFTERWARDS. AND WE'LL NOTE

NOW THAT -- I AM TOLD THAT WE HAVE COUNCIL -- A COUNCILMEMBER OR TWO WILL BE PROPOSING THAT PUBLIC HEARINGS ITEM NUMBER 65 OR OUR VMU DISCUSSION AND ITEM NUMBER 66, THE PUBLIC HEARING ON THE BIG BOX ORDINANCE, THERE WILL BE A PROPOSAL TO POSTPONE THOSE ITEMS, ALTHOUGH TECHNICALLY WE COULDN'T TAKE THAWP POSTPONEMENT VOTE UNTIL AFTER THE SIX P.M. POSTED TIME CERTAIN. BUT JUST FOR FOLKS TO KNOW NOW, THERE SEEMS TO BE A MOVEMENT TO POPE THOSE TWO PUBLIC HEARINGS THIS EVENING. 65 AND 66 LIKELY TO BE POSTPONED IN A VOTE THIS EVENING.

MAYOR, ITEM 45 ALSO NEEDS TO BE TAKEN UP AFTER EXECUTIVE SESSION, PLEASE, SIR.

Mayor Wynn: THANK YOU, VERY MUCH.
COUNCILMEMBER COLE?

Cole: ALSO, MAYOR, ITEM NUMBER 58 AND 59 WILL MOST LIKELY BE POSTPONED AT THE FOUR OAK HEARING TO ALLOW MORE TIMES TO WORK WITH THE NEIGHBORS.

Mayor Wynn: AGAIN, AS COUNCILMEMBER COLE POINTED OUT, I BELIEVE SHE WILL LIKELY MAKE THE MOTION, BUT THERE IS A LIKELIHOOD OF POSTPONING ZONING CASES 58 AND 59 ALTHOUGH WE CAN'T TAKE UP THAT POSTPONEMENT UNTIL 4:00 WHEN WE TAKE UP THE ZONING CASES. SO COUNCIL, ANY ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA. OR PERHAPS ADDED BACK TO THE CONSENT AGENDA. HEARING NONE, THEN WITH THAT I WILL READ THROUGH OUR PROPOSED CONSENT AGENDA THIS MORNING. THE PROPOSED CONSENT AGENDA WILL BE TO APPROVE ITEMS ONE, TWO, THREE, FOUR, SEVEN, EIGHT, 11, 14. WE SHOULD NOTE THAT ITEM 15 IS BEING POSTPONED INDEFINITELY. ITEM 16 TO BE APPROVED AS IS 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29. ITEM 30 ARE OUR BOARD AND COMMISSION APPOINTMENTS AND I'LL READ THOSE INTO THE RECORD. TO THE 2006 BOND OVERSIGHT COMMITTEE, RICK (INDISCERNIBLE) IS MY APPOINTMENT. TO THE ROBERT MUELLER

MUNICIPAL AIRPORT PLAN IMPLEMENTATION ADVISORY COMMISSION, DECOUPLAND IS A CONSENSUS APPOINTMENT AND DEE IS A REAL ESTATE PROFESSIONAL REPRESENTATIVE. AND TO OUR URBAN TRANSPORTATION COMMISSION, RICHARD McKIN NAN IS COUNCILMEMBER KIM'S APPOINTMENT. THAT IS TUNNEL NUMBER 30 ON THE SCENLT -- THAT IS ITEM NUMBER 30 ON THE CONSENT AGENDA. CONTINUING ON, ITEM 31, 32, 33 AND 34. THAT'S OUR PROPOSED CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER KIM TO APPROVE THE CONSENT AGENDA AS READ.

I'M SORRY, SPEAKERS ON NUMBER 21.

THANK YOU VERY MUCH.

Mayor Wynn: NOW THAT WE HAVE THE MOTION AND SECOND ON THE TABLE, WE CAN GO TO SPEAKERS. THANK YOU. SO AGAIN, ITEM NUMBER 21, COUNCIL, IS A PROPOSED SERIES OF POTENTIAL PROFESSIONAL SERVICES AGREEMENTS. WE HAVE TWO FOLKS SIGNED UP WISH TO GO SPEAK TO US. FIRST SPEAKER IS PAUL SALDANA, WHO I BELIEVE I SAW EARLIER IN THE ROOM. PAUL SALDANA WOULD LIKE TO ADDRESS US ON ITEM NUMBER 21, AS WOULD BOBBY GARZA HERNANDEZ. IS BOBBY OR PAUL IN THE ROOM? TECHNICALLY THEY SIGNED UP NEUTRAL WISHING TO SPEAK, AND AGAIN, THIS ITEM IS POSTED -- COUNCILMEMBER MARTINEZ?

Martinez: I DON'T SEE THEM PRESENT, BUT I WAS GOING TO MAKE A FEW COMMENTS ON THIS ITEM WITHOUT PULLING IT OFF THE CONSENT AGENDA. THERE WERE SOME QUESTIONS RAISED BY MR. SALDANA ABOUT THE POTENTIAL PARTICIPATION AS IT RELATES TO EXPENDITURES IN OUR CONTRACTING OPPORTUNITIES. AND I'M CERTAINLY ENCOURAGED BY WHAT WE SEE IN THIS PROPOSAL IN THAT WE HAVE MOVED UP TO 20% OF THE PRIME CONTRACTORS ON THIS PARTICULAR LIST ARE MINORITY OWNED BUSINESSES, AS WELL AS THE OVER 30% SUBCONTRACTING PARTICIPATION

THAT'S GOING TO HOPEFULLY OCCUR IN THIS. THE QUESTIONS THAT WERE RAISED WERE HOW DOES THAT COMPARE AT THE END OF THE TUNNEL WHEN THE EXPENDITURE ARE ACTUALLY COMPLETE, WHEN THE PROJECTS ARE COMPLETE? AND COUNCILMEMBER KIM HAS RAISED THOSE QUESTIONS THAT WILL BE ADDRESSED AT OUR NEXT MBE, WBE SMALL BUSINESS SUBCOMMITTEE. I APPRECIATE THEIR CONCERNS, BUT I DO WANT TO ALSO THANK STAFF FOR THE WORK THAT THEY DID IN TRYING TO GET TO US THIS LEVEL OF MINORITY PARTICIPATION. AND I THINK THOSE CONCERNS ARE GOING TO BE ADDRESSED AND THROUGH THE SUBCOMMITTEE. AND I JUST WANTED TO LET THOSE FOLKS KNOW WHO RAISED THOSE CONCERNS THAT WE ARE GOING TO LOOK INTO THEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST HAVE A COMMENT ON ITEM NUMBER 27 WHICH RELATE S TO CONTRACTS FOR SPANISH LANGUAGE INSTRUCTION AND STIPENDS THAT ARE TO BE OFFERED FOR CITY EMPLOYEES OTHER THAN PUBLIC SAFETY. AND I WOULD LIKE TO ENSURE -- ASK THE CITY MANAGER TO ENSURE THAT SECURITY PERSONNEL AT CITY HALL ARE INCLUDED IN THE CONSIDERATION FOR ELIGIBILITY TO THESE STIPENDS.

Futrell: COUNCILMEMBER, THEY ARE NOT IN THIS BUDGETED AMOUNT HERE, BUT WHAT I CAN DO, BECAUSE THIS HAS BEEN A PRIORITIZED LIST, TO DO THIS NOW I WOULD HAVE TO DROP OUT ONE OF THE OTHER CLASSIFICATIONS THAT'S IN THERE, BUT WHAT I CAN DO IS BE SURE THAT THEY'RE IN FOR THE NEXT ROUND OF TITLES FOR THE NEXT BUDGET YEAR. IF YOU WOULD LIKE, IF THE INSTRUCTION IS TO HAVE THEM IN THIS ROUND, THIS BUDGETED AMOUNT HAS A SET OF CLFKSES THAT'S -- CLASSIFICATIONS THAT'S ALREADY BEEN PRIORITIZED AND APPROVED AND IT DOES NOT HAVE THEM IN THERE. SO CAN I GET A CLARIFICATION OF THE INTEREST?

I.....

Leffingwell: I THINK WHAT I MEANT TO SAY IS THAT THEY BE ELIGIBLE IN FUTURE CONSIDERATION FOR THESE STIPENDS.

Futrell: ABSOLUTELY. THERE'S ACTUALLY A GREATER NEED THAN WHAT WE HAVE IN THIS FIRST ROUND AND WE KNOW WE'LL HAVE TO COME BACK AND BEGIN TO EXPAND IN IN OUR NEXT BUDGET ROUND. WE HAVE PUT THAT BASED ON YOUR QUESTIONS ON THE TOP OF OUR LIST TO LOOK AT FOR -- AS WE HEAD INTO THE NEXT SIX MONTHS INTO OUR BUDGET FOR NEXT YEAR. SO I'LL PUT IT TOP OF THE LIST.

Leffingwell: I APPRECIATE THAT BECAUSE I THINK IT'S VERY IMPORTANT BECAUSE SECURITY PERSONNEL AT CITY HALL HAVE TO DEAL -- THEY HAVE TO USE THAT SPANISH LANGUAGE FREQUENTLY IN DEALING DIRECTLY WITH THE PUBLIC EVERY TIME WE MEET HERE AND ALSO ON OTHER DAYS. THANKS A LOT FOR THAT.

Futrell: ABSOLUTELY. MAYOR MAY COUNCILMEMBER MARTINEZ.

Martinez: I MEANT TO ASK FOR THE LIST OF THE ACTUAL POSITIONS THAT WE IDENTIFIED, AND I DIDN'T DO THAT. BUT I WANT TO ALSO MAKE SURE THAT IN YOUR CONSIDERATIONS, IF WE HAVEN'T ALREADY CONSIDERED IT, THAT WE LOOK AT OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENTS AND OUR INSPECTION PERMITTING DEPARTMENTS AS WELL BECAUSE THERE WAS SOME INFORMATION THAT WAS BROUGHT TO MY OFFICE THAT AS IT RELATES TO NEIGHBORHOOD PLANNING AND ZONING, WORKLOADS ARE ACTUALLY BEING HELD OR -- NOT WORKLOADS, BUT QUESTIONS OR CONCERNS FROM SPANISH SPEAKING CITIZENS ARE BEING HELD UNTIL THE ONLY TWO BILINGUAL INDIVIDUALS IN THAT OFFICE RETURN OR ARE FREED UP FROM THEIR NORMAL RESPONSIBILITIES. AND I JUST WANT TO MAKE SURE THAT WE UNDERSTAND THAT AND ARE

LOOKING IN THOSE AREAS AS WELL.

Futrell: ABSOLUTELY, COUNCILMEMBER. YOU WILL PROBABLY FIND THAT SITUATION IN DIVISIONS AND UNITS ALL ACROSS THE CITY. WHAT WE DID IS A COMPREHENSIVE LOOK AT EVERY FUNCTION AND EVERY DIVISION, AND AS I SAID, THE NEED WAS GREATER THAN THIS INITIAL AMOUNT OF MONEY, SO WE TRIED TO PRIORITIZE ACROSS EVERY DEPARTMENT. I'LL TAKE A LOOK, I WILL GET YOU THAT LIST SO YOU CAN SEE. IF IT'S NOT THERE WE'LL ALSO PUT THAT AT THE TOP AS WE MOVE INTO OUR NEXT ROUND.

Mayor Wynn: THANK YOU. I WILL SAY ALSO, THE CITY MANAGER WAS APPROPRIATE TO POINT OUT ONE OF THE MANY LESSONS LEARNED IN OUR ICE STORM EXERCISE FROM TWO WEEKS AGO WAS FRANKLY HOW MANY OF OUR CITIZENS REQUIRE SPANISH AS A PRIMARY LANGUAGE FOR US TO COMMUNICATE TO THEM ON EMERGENCIES OR OTHERWISE. SO IT'S VERY APPROPRIATE IN MY OPINION THAT WE HAVE THIS CONCEPT OF THE STIPEND AND WE TRY TO GET AS MUCH OF OUR GOVERNMENT SERVICES AS POSSIBLE BILINGUAL. THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER KIM.

Kim: I JUST WANT TO BRING ATTENTION TO AN ITEM THAT THE MAYOR AND COUNCILMEMBER LEFFINGWELL CO-SPONSORED ALONG WITH ME TO REALLY TARGET OUR MARKETING CAMPAIGN ON OUR ENERGY REBATES AND WEATHERIZATION TO THE HOMES THAT ARE ENERGY INEFFICIENT. IT'S POSSIBLE TO DO THAT BECAUSE WE HAVE THE INFORMATION ON THE SQUARE FOOTAGE OF THE HOMES AND ALSO WHAT THEIR ENERGY BILLS ARE AND JUST DOING THAT SIMPLE CALCULATION WE CAN TELL WHICH HOME AND APARTMENT COMPLEXES ARE OLDER AND DON'T HAVE THE RIGHT KIND OF WEATHERIZATION, THE RIGHT KIND OF R-30 INSULATION FOR THE HOMES. I THINK WHAT'S HAPPENING IS SOME OF HOMES ARE RENTED OUT, SO THE TENANT IS THE ONE THAT HAS TO PAY THAT HIGH ENERGY BILL, NOT NECESSARILY THE HOMEOWNER. SO THERE REALLY

IS AN INCENTIVE FOR THE HOMEOWNER TO TAKE THAT STEP, MAKE THAT INVESTMENT OR THEY MAY EVEN NOT EVEN LIVE IN AUSTIN WHERE THEY KNOW THAT WE HAVE THESE PROGRAMS. SO WHAT WE'RE GOING TO DO NOW IS REALLY TARGET THEM AND LET THEM KNOW THAT THERE IS A BENEFIT TO TAKING PART IN THESE PROGRAMS THAT ARE REBATES ARE SOME OF THE MOST GENEROUS IN THE NATION AND IT'S HELPED US TO MEET OUR GOALS TO NOT HAVE AN EXTRA POWER PLANT AND TO BE ABLE TO DELIVER LOW RATES FOR EVERYONE HERE IN THE CITY. AND I WANT TO THANK AUSTIN ENERGY AND THEIR HELP IN THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGREED. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE. THEN HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCracken OFF THE DAIS. SO COUNCIL, WE HAVE JUST FOLKS -- JUST SO FOLKS CAN PLAN THEIR DAY. WE HAVE A COUPLE OF ITEMS PULLED OFF THE CONSENT AGENDA AND THEN WE HAVE A NUMBER OF ITEMS THAT WE'LL TAKE UP AFTER WE GET SOME CONSULTATION IN EXECUTIVE SESSION. SO I'LL JUST ANNOUNCE NOW THO....THOSE ITEMS RELATED TO THE AUSTIN ENERGY ISSUES, ITEMS FIVE, SIX, WEA AND..... 23, AND 24, IT'S LIKELY WE WON'T BE TAKING THOSE UP UNTIL WELL AFTER LUNCH SOMETIME AS WE HAVE A RELATIVELY LENGTHY EXECUTIVE SESSION AGENDA ITEM. I BELIEVE WE CAN GET THROUGH ITEMS NINE, 10, 12 AND 13 THIS MORNING BEFORE WE BREAK FOR EXECUTIVE SESSION. FOR THOSE FOLKS THAT ARE HERE FOR AUSTIN ENERGY ITEMS, I'M CONFIDENT THAT WE WON'T BE ABLE TO GET TO THOSE IN OPEN DISCUSSION UNTIL WELL AFTER LUNCH..... LUNCH IF THAT HELPS YOU PLAN YOUR DAY. SO COUNCIL, LET'S SEE, COUNCILMEMBER LEFFINGWELL HAD PULLED ITEMS NUMBER NINE AND 10 AND WE DO HAVE A HANDFUL OF CITIZENS HERE REGARDING

THOSE TWO ITEMS. SO WITH THAT I'LL ASK FOR A BRIEF STAFF PRESENTATION.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. I'M THE ACTING DIRECTOR FOR AUSTIN WATER UTILITY. ITEM NUMBER NINE IS A SERVICE EXTENSION REQUEST FOR WASTEWATER SERVICE TO A 91-ACRE TRACT OFF OF HIGHWAY 290 WEST BY SCENIC DRIVE. TUCK NUMBER 10 IS A SERVICE EXTENSION REQUEST FROM THE SAME -- FOR THE SAME DEVELOPMENT FOR WATER. IT'S 197 PLANNED SINGLE-FAMILY DEVELOPMENT. THE DEVELOPER IS CENTEX HOMES. THEY HAVE REQUESTED WATER SERVICE FOR 197 HOMES AND WASTEWATER SERVICE. THE UTILITY HAS COMPLETED ITS ANALYSIS, WE HAVE ADEQUATE CAPACITY BOTH IN THE WATER AND WASTEWATER SYSTEM TO PROVIDE THIS SERVICE. UNDER THE WASTEWATER SERVICE EXTENSION, THE DEVELOPER WILL BUILD AT THEIR EXPENSE 3100 LINEAR FEET OF FORCE MAIN AND ANOTHER 3100 FEET OF GRAVITY, EIGHT INCH GRAVITY MAIN AND A LIFT STATION. UPON FINAL INSPECTION AND COMPLETION OF THIS PROJECT, THEY WILL DEDICATE THEM TO THE CITY FOR OPERATION AND MAINTENANCE. ON THE WATER SIDE OF THE FCR, THEY ARE GOING TO BUILD APPROXIMATELY 3,000 FEET OF 12-INCH WATER MAIN TO CONNECT TO OUR SYSTEM. ON THE WATER SIDE THE UTILITY HAS REQUESTED THAT THEY UP SIZE -- THEIR NEED WAS FOR AN EIGHT INCH WATER MAIN. WE HAVE REQUESTED THEM TO BUILD -- DESIGN AND BUILD A 12-INCH WATER MAIN TO HELP COMPLETE A WATER LOOP ON THAT SECTION OF OUR SERVICE AREA. THE THE SERVICE REQUEST FOR THE WATER PROJECT INCLUDES A REIMBURSEMENT OF \$500,000 TO CENTEX HOME. BOAT OF THESE PROJECTS ARE LOCATED IN THE SLAUGHTER WATERSHED. BOTH OF THESE PROJECTS ARE ALSO IN THE DRINKING WATER PROTECTION ZONE, SO TODAY WE ARE ASKING UNDER ITEMS NINE AND 10 THAT COUNCIL APPROVE -- CONSIDER APPROVAL OF THESE TWO SERVICE EXTENSIONS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: IS THIS IN THE BARTON SPRINGS ZONE?

IT IS IN THE EDWARD'S AQUIFER CONTRIBUTING RECHARGE ZONE.

Leffingwell: IT'S IN THE CONTRIBUTING ZONE. AND IS THE ENTIRE DEVELOPMENT S.O.S. COMPLIANT?

YES, SIR, THEY ARE.

Leffingwell: WHAT I WANTED TO MAKE SURE, HAVE YOU DISCUSSED ANY OF THE CONSIDERATIONS THAT ARE CURRENTLY BEFORE THE COUNCIL? NOT BEFORE THE COUNCIL RIGHT NOW, BUT BEING CONSIDERED BY THE COUNCIL FOR WATER AND ENERGY CONSERVATION, ARE ANY OF THESE MEASURES IN PLACE OR HAVE THEY N AGREED TO THAT YOU KNOW OF OR WERE THEY EVEN DISCUSSED?

WE HAVE NOT DISCUSSED ANY OF THOSE ITEMS THAT THE COUNCIL TASKFORCE ON WATER CONSERVATION HAS BEEN CONSIDERING THOSE ITEMS.

Leffingwell: ARE WE GOING TO HEAR FROM SPEAKERS FIRST?

...MAYOR MAY WHATEVER WE PREFER, BUT WE HAVE SIX OR EIGHT SPEAKERS SIGNED UP. LEAF LIVE.....

Leffingwell: LEAF MY INTENT WITH THIS WAS TO BRING THAT ITEM FORWARD. I WILL.....I WILL BE ASKING LATER THAT FOR FUTURE SCR'S THAT WE CONSIDER THE MEASURES BEING DEVELOPED BY THE COUNCIL WHEN WE APPROVE THEM FOR DRINKING WATER PROTECTION ZONE, POSSIBLY FOR ALL OVER THE CITY. I'LL WAIT UNTIL WE HEAR FROM THE SPEAKERS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS OF STAFF, COUNCIL, BEFORE WE TAKE UP OUR SPEAKERS? THEN HEARING NONE, WE WILL CALL UP -- WITHOUT OBJECTION, WE WILL CALL UP ITEMS NINE AND 10 JOINTLY, THE SAME

CITIZENS HAVE SIGNED UP FOR BOTH ITEMS. SO OUR FIRST SPEAKER ON THIS COMBINED ITEM 9 AND 10 WILL BE ROBERT HYLE. AND YOU WILL BE FOLLOWED BY LESLIE MCCALLUM, WHO WILL BE FOLLOWED BY MARK STEINBACK. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS ROBERT AND I AM SPEAKING TODAY AS A PRIVATE CITIZEN. I'M A HOMEOWNER NEARBY AND MY DAUGHTERS ATTEND THE SCHOOL IMMEDIATELY ADJACENT TO THE SUBJECT TRACT. AS YOU MENTIONED, THIS ITEM IS FOR SURFACE EXTENSION REQUEST TO EXTEND WATER AND WASTE WATER STREET SERVICE IN THE DRINKING WATER PROTECTION ZONE AND THOSE KIND OF SERVICE EXTENSION REQUESTS REQUIRE DELIBERATE, BY COUNCIL PRECISELY BECAUSE THERE IS MORE -- THERE ARE NO ISSUES IN PLAY THAN SIMPLE UTILITY CAPACITY. THE WATER AND WASTEWATER BOARD DID REVIEW THIS AS HAS THE UTILITY AND THEY HAVE SAID WE DO HAVE THE CAPACITY TO DO IT, SO WE CAN EXTEND WATER AND WASTEWATER TO THIS AREA. THE QUESTION IS SHOULD WE? IS BRIEFLY, THE PROPERTY IS OUTSIDE THE CITY LIMITS. THERE'S NO CERTIFICATE OF CONVENIENCE AND NECESSITY WHERE THE PROPERTY, SO THERE'S NO OBLIGATION BY THE CITY TO EXTEND UTILITY SERVICE TO THE PROPERTY. SOUTH OF THIS PROPERTY THERE IS NEW CONSTRUCTION THAT'S GOING ON WITHOUT THE BENEFIT OF CITY WASTEWATER, AND THAT'S SINGLE-FAMILY DEVELOPMENT THAT'S BEING DEVELOPED PROFITABLY AND SUCCESSFULLY NEARBY. WHEN THE ENVIRONMENTAL BOARD REVIEWED THIS BASE CASE, THEY DISCUSSED THE NEED FOR GUIDANCE FROM CITY COUNCIL ABOUT WHEN -- TO DEVELOP POLICIES THAT ADDRESS WHEN UTILITY EXTENSIONS ARE GOING TO BE USED TO INCREASE DEVELOPMENT IN THE DRINKING WATER PROTECTION ZONE. THE CITY COUNCIL HAS BEEN VERY CLEAR AND CONSISTENT IN ITS ACTIONS TO ENCOURAGE APPROPRIATE AND INNOVATIVE INFILL IN THE CITY CORE, AND THE FLIP SIDE THAT HAVE IS WHEN IS IT APPROPRIATE FOR US TO USE OUR UTILITIES TO INCREASE

DEVELOPMENT ON THE PERIPHERY OF THE CITY, AND SPECIFICALLY IN THE DRINKING WATER PROTECTION ZONE? SO I'M HERE TO ASK COUNCIL TO DENY THE SERVICE EXTENSION REQUEST OR TO AT LEAST POSTPONE IT UNTIL THESE REQUESTS CAN BE LOOKED AT IN THE CONTEXT OF A LARGER POLICY. SO INSTEAD OF APPROVING THIS ONE AND THEN RAISE RECOGNIZING THE NEED TO DEVELOP A LARGER POLICY, I WOULD ASK THE COUNCIL TO DENY OR POSTPONE THIS ONE, LET'S WORK ON THE POLICY AND THEN LOOK AT THIS DEVELOPMENT AND OTHER DEVELOPMENTS THAT COME FORWARD IN THE FUTURE AS THEY FIT INTO THAT POLICY. THERE ARE ALTERNATIVES. IF THE SERVICE EXTENSION REQUESTS ARE DENIED, THERE ARE ALTERNATIVES THAT ALLOW A SUCCESSFUL AND MARKETABLE DEVELOPMENT TO OCCUR ON THE PROJECT. THEY COULD DO STATE-OF-THE-ART ON-SITE TREATMENT, WHICH IS BEING DONE IN PROPERTIES IN VERY CLOSE PROXIMITY, LESS THAN A QUARTER OF A MILE AWAY, OR ALTERNATIVE IF THE CITY WANTED TO THINK A LITTLE MORE OUTSIDE THE BOX, THEY COULD REQUIRE SOMETHING COMP RANL TO THE -- COMPARABLE TO THE TRAVIS COUNTY CONSERVATION REQUIREMENTS THAT WERE RECENTLY APPROVED AND MAYBE THAT COULD BE TIED INTO FUTURE SERVICE EXTENSION REQUESTS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS LESLIE MCCALLUM. WELCOME, LESLIE. YOU WILL HAVE THREE MINUTES AS WELL AND YOU WILL BE FOLLOWED BY MARK STEINBOCK.

BEFORE WE GET STARTED, I THOUGHT ANOTHER SPEAKER HAD DONATED HER TIME TO ME ON ITEM 10. MAYOR MAY IT DOESN'T SHOW THAT, BUT IF SHE'S HERE, SHE'S WELCOME TO DO THAT, OR HE. WHAT'S YOUR NAME, MA'AM? STOIM [INAUDIBLE - NO MIC] FSHS.

Mayor Wynn: THEN YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU. MAYOR AND COUNCIL, PERHAPS SOME

OF YOU REMEMBER THAT I WAS HERE LAST WEEK. MAYOR WYNN WAS NOT HERE. ON ANOTHER CENTEX DEVELOPMENT ALSO IN THE SLAUGHTER WATERSHED. I REPRESENTED THE TEXAS OAKS NEIGHBORHOOD ASSOCIATION, THE SLAUGHTER CREEK ACRES. WE ARE A GOOD WAY DOWNSTREAM. HOWEVER, THIS IS ANOTHER INCIDENT WHERE WE HAVE THE SAME PATTERN WITH CENTEX WHERE THEY ARE DEVELOPING STUFF IN THE COUNTY E.T.J. THEY DO NOT HAVE TO GO THROUGH THE CITY LAND USE PLANNING PROCESS. THE SUBDIVISION THAT THEY HAVE PROPOSED THAT I WAS HERE ABOUT LAST WEEK, THE HOLLOW, IS... AS THE ZONING AND PLATTING COMMISSION PUT IT, ONE MEMBER SAID, WELL, YOU'RE PUTTING A SIZE 10-FOOT IN A SIZE FIVE SHOE. MS. BAKER ALSO POINTED OUT THAT THIS IS THE KIND OF PROCESS WHERE EVERYTHING IS BACKWARDS. YOU GET THE LAND USE PLANNING APPROVAL. YOU GET THE CITY UTILITIES. THEY ARE BENEFITTING FROM ALL OF OUR TAX INVESTMENT IN OUR UTILITIES TO DO THEIR DEVELOPMENT AND TO MAKE MORE MONEY BY DOING IT, BUT THEY WILL NOT ACCOMMODATE THE ZONING AND THE PROCESS BY WHICH OTHER CONSIDERATIONS COME INTO THE PROCESS BECAUSE WE CANNOT DO THAT WITHIN THE E.T.J. AS YOU WELL KNOW. THIS PARTICULAR DEVELOPMENT, WHICH YOU DO HAVE THE DISCRETION TO SAY NO FOR THE SERVICE EXTENSION, HERE IS ANOTHER INSTANCE OF SPRAWL AS OPPOSED TO THE INFILL THAT WE PREFER. FURTHER, THEY NOT ONLY WANT THAT, THEY WANT YOU TO CONTRIBUTE MONEY, AND I THINK COUNCILMEMBER LEFFINGWELL'S QUESTION HERE ABOUT THE CONSERVATION ISSUES AND EFFICIENCY ISSUES THAT IF YOU WERE GOING TO CONTINUE TO EXTEND THE SERVICE DEVELOPMENTS, I MEAN, THAT'S WHY WE'RE GOING TO NEED MORE WATER TREATMENT PLANT. THAT'S WHY IF WE KEEP MORE WATER CAPACITY, IF WE KEEP EXTENDING THESE DEVELOPMENTS AND CITY SERVICES, WE ARE ALL PAYING FOR THIS. AND THE LANDOWNERS ARE NOT CONTRIBUTING TO THE COSTS OF THIS BECAUSE THEY'RE NOT PAYING CITY TAXES. THEY'RE IN THE COUNTY. AND OUR RECENT EXPERIENCE WITH CENTEX WHEN WE HAVE

BROUGHT UP THE CONCERN THAT OUR NEIGHBORS HAVE WAS, WELL, YOU KNOW, WE'RE MEETING THE REQUIREMENTS OF THE COUNTY AND THE LIMITED THING IN THE E.T.J. WE REALLY DON'T HAVE TO NEGOTIATE WITH YOU BECAUSE WE DON'T HAVE TO. WE'RE MEETING THE LEGAL REQUIREMENTS. SO YOU PEOPLE COULD DO US SOME GOOD WITH THESE DEVELOPERS BY STARTING TO SAY NO IN THE PLACES WHERE YOU CAN SAY NO AND EMPOWER US TO BE ABLE TO NEGOTIATE AND COME UP WITH SOMETHING THAT'S GOING TO PRODUCE A BETTER DEVELOPMENT RESULT ALL THE WAY AROUND THE CITY. WE ARE CONCERNED ABOUT OUR SLAUGHTER CREEK WASTEWATER. MY HOUSE IS RIGHT ON SLAUGHTER CREEK, AND ALL OF THE DEVELOPMENT THAT IS -- AND THERE ARE 900 HOMES IN OUR AREA. CENTEX WANTS TO ADD ANOTHER 220 OUR 219, WHICH IN FACT THEY WANT TO PUT ON ABOUT 30 BUILDABLE ACRE AS OPPOSED TO ABOUT THAT NUMBER OF HOUSES ON 93-ACRE. SO YOU CAN SEE WHAT WE'RE TALKING ABOUT. BUT WE HAVE NO POWER UNLESS YOU HELP US. SO THAT'S WHAT WE'RE ASKING. AND I THINK YOUR CFBVATION ISSUES -- CONSERVATION ISSUES, I HOPE WE WILL HEAR MORE ABOUT THAT, COUNCILMEMBER. BUT WE ARE CONCERNED AND WE DON'T THINK THAT OUR EXPERIENCES WITH 17 CENTRAL TEXAS LEAD US TO BELIEVE THAT THEY ARE REALLY BEING A GOOD CORPORATE CITIZEN IN OUR OVERALL RELATIONSHIP TO OUR CITY.

Mayor Wynn: THANK YOU, LESLIE. OUR NEXT SPEAKER IS MARK STEINBOCK. I NUMBER OF FOLK WANTED TO DONATE TIME TO YOU. IS STACY STEINBOCK STILL HERE? WELCOME, STACY. HOW ABOUT IT LOOKS LIKE ELIZABETH McGRIEFY -- SO EELIZABETH YOU'VE GIVEN YOUR NAME THYME TO LESLIE, SO MARK, WILL SIX MINUTES WORK FOR YOU?

I THINK IT WILL. MAYOR AND COUNCIL, THANK YOU. MY NAME IS MARK. I LIVE? THE SOUTHVIEW...VIEW ESTATES SUBDIVISION. MY PROPERTY SITS DIRECTLY ADJACENT TO THIS PROPERTY, SITS DIRECTLY BEHIND IT. I'LL ECHO SOME OF THE SAME SENTIMENTS THAT I SAID

BEFORE. THIS IS NOT WITHIN THE CCN. THERE IS NO LEGAL OBLIGATION TO DO THIS. IT ACTUALLY FLIES IN THE FACE OF THE CITY OF AUSTIN, THE COUNCIL'S IDEOLOGIES OF INFILL, OF PREVENTING SPRAWL AND DOING SO IN A REPUBLICANFUL MANNER TO THE ENVIRONMENT. FROM AN ENVIRONMENTAL STAND STANDPOINT THIS IS WITHIN THE BARTON SPRINGS WATERSHED AND SLAUGHTER CREEK WASTEWATER AND CONSTITUENT HAS NEVER APPROVED AN SCR OF THIS TYPE OF SIGNIFICANCE IN THIS AREA. THE PROPERTY IS WITHIN THE DRINKING WATER PROTECTION ZONE, AND APPROVING THIS MEANS ACCORDING TO THE LETTER THAI GOT, THE NOTIFICATION IS NOT 197, BUT 201 NEW HOMES LOCATED ON APPROXIMATELY ONE-EIGHTH OF AN ACRE EACH. THE ENVIRONMENTAL IMPACT OF SEPTIC SYSTEMS WOULD PALE IN COMPARISONS IF THEY WERE SET UP ON A LARGER SCALE TO WHAT THE IMPERVIOUS COVER, THE WATER DEGRADATION, OTHER ENVIRONMENTAL EFFECTS OF THAT THIS TYPE OF DENSITY WOULD DO THIS THIS AREA. FINALLY, PORTIONRS THE PROPERTY ARE IN THE FLOODPLAIN. AS A RURAL PRESERVATION AREA, THERE ARE ALSO NATURAL SPRINGS ON THE PROPERTY AND RECHARGE FEATURES AND SENSITIVE WILDLIFE HABITAT. FROM A TRAFLT AND SAFETY STANDPOINT, I DON'T KNOW IF ANYONE HAS ACTUALLY SEEN A PLAT OF THIS, THERE'S ACTUALLY ONLY ONE READILY ACCESSIBLE POINT GOING OUT ON TO SOUTH VIEW ROAD. THIS GOES IN FRONT OF THE LIGHT THAT OCCURS AT SOUTHVIEW AND 290 AND THE WALLDORF, WHICH IS A K THROUGH 12 SCHOOL. THE OTHER ACCESS POINT IS NON-CONSIST ENT AND -- -- NONEXISTENT. THIS IS PROPOSED, NOT AWE PROVED. SO IN ALL LIKELIHOOD, BETWEEN 197 AND TWO HOMES, LOOKING AT APPROXIMATELY 1800 CAR TRINZ PER DAY GOING OUT TO A ROAD THAT IS SET UP FOR 40 OR 50 HOUSES, 400, MAYBE 500 CAR TRIPS A DAY. ONCE AGAIN DIRECTLY IN FRONT OF A K THROUGH 12 SCHOOL. MOST IMPORTANTLY THIS AREA IS RURAL. LOOKING AT THE OAK HILL FOCUS GROUPS AND MEETINGS, THIS IS ONE OF THE PRIMARY CONCERN OF THIS AREA IS MANY KIDS WALK HOME FROM SCHOOL. THIS TYPE OF DENSITY

WILL BE A COMMUNITY HAZARD TO THESE CHILDREN THAT ARE WALKING HOME. THE CITY HAS AN ONGOING NEIGHBORHOOD PLAN FOR THIS AREA. ENCOURAGED FOR THE OAK HILL RESIDENTS. FINALLY AS ROBERT SAYS THERE ARE ALTERNATIVES THAT HAD BEEN DEVELOPED FOR THIS AREA. IT'S BEING DONE ON ACRE PLUS THOUGHTS WITH HIGH END RESIDENTIAL DEVELOPMENT. ALL LOTS CURRENTLY SOLD AND BEING USED AND THEY'RE USING MODERN SEPTIC SYSTEM THAT ARE VERY COMPATIBLE WITH OUR ENVIRONMENTAL PROGRAMS. AS I MENTIONED, THIS COULD BE A REGIONAL PART. AT THE VERY LEAST, THE CONSIDERATION FOR THIS SHOULD FALL FOR A NEIGHBORHOOD ASSOCIATION AND GIVE US SOME TYPE OF INPUT INTO THE DESIGN AND SCOPE OF THIS PROJECT. THANK YOU VERY MUCH. I'LL ANSWER ANY QUESTIONS IF YOU WOULD LIKE. THE NEXT SPEAKER IS VIVIAN (INDISCERNIBLE). WELCOME. YOU WILL HAVE THREE MINUTES AS WELL AND BE FOLLOWED BY COLIN CLARK.

GOOD MORNING. I LIVE IN THE OAK HILL AREA A FEW MILES WEST OF THE Y OFF OF HIGHWAY 290. IT'S IN THE NEIGHBORHOOD AREA CALLED WIND ROCK. IT'S IN A VERY ACTIVE ASSOCIATION RIGHT NOW. I HAVE TWO CHILDREN THAT ATTEND THE WAMDORF SCHOOL, WHICH IS ACROSS THE STREET FROM WHERE THIS PLAN IS BEING PROPOSED. I'M ASKING YOU TODAY TO DENY NINE AND 10. NOT POSTPONE, BUT DENY OUT OUT RIGHT. THERE'S CURRENTLY A NEIGHBORHOOD PLAN PROCESS GOING ON THAT THE CITY OF AUSTIN INITIATED. THIS IS IN THE WESTERNMOST BOUNDARIES OF THAT AREA AND IT'S ON THE CITY OF AUSTIN WEBSITE. YOU CAN LOOK AT ALL THE MANNS AND PROCEEDINGS AND WHAT THE CITIZENS IN THAT AREA HAVE SAID SO FAR THAT THEY WANT TO SEE HAPPEN IN THEIR AREA. THEY WANT A DEVELOPMENTAL BLEND WITH THE EXISTING DWOANLT FOR ANYTHING THAT COMES IN. THE EXISTING DEVELOPMENT IS VERY RURAL. WE STILL HAVE A LARGE AMOUNT OF FARM ANIMALS, LARGE ACREAGE TRACTS OUT THERE. WE DON'T HAVE STREET LIGHTS SO YOU CAN STILL APPRECIATE THE

NIGHT SKY. THERE'S STILL A LOT OF NATIVE VEGETATION THAT HASN'T BEEN TAKEN DOWN AND REPLACED WITH WHAT SOMEBODY THINKS MIGHT BE NATIVE VEGETATION. IF THE WASTEWATER EXTENSION IS GRANTED OUTSIDE OF THE CITY LIMITS, THIS WILL BE A PRECEDENT FOR THE REST OF THE OPEN LAND IN THE OAK HILL AREA. I THINK THAT'S CONTRADICTORY TO WHAT ALL THE CITIZENS HAVE REQUESTED. CENTEX WANTS TO BUILD OVER 200 HOMES ON A 93-ACRE PARCEL OF LAND IN THE BARTON SPRINGS ZONE. IF THE CITY GRANTS THIS, IT WILL COMPLETELY NEGATE THE PLANNING PROCESS AND THE CITY WILL BE SAYING YES TO THIS PROJECT BEFORE IT GOES TO THE ZONING AND PLATTING COMMISSION COMMISSION FOR PUBLIC COMMENT NEXT WEEK. THIS CAME UP BEFORE THAT. SO IF THIS WAS ON THE CONSENT AGENDA AND YOU SAID YES, ANY NEIGHBORS THAT WANTED TO GO TO THE PLATTING AND ZONING NEXT WEEK, WE WOULDN'T HAVE A CHANCE. I DON'T WANT TO BRING UP ALL THE REASON WHY I THINK A BETTER DEVELOPMENT COULD HAPPEN HERE. I WILL SAVE THOSE FOR THE PUBLIC HEARING. THANK YOU.

Mayor Wynn: COLIN CLARK? YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JACKIE GOODMAN.

GOOD MORNING, MAYOR AND COUNCIL, COLIN CLARK WITH SAVE OUR SPRINGS AND WE RESPECTFULLY REQUEST THAT YOU DENY BOTH NINE AND 10. TO ECHO SOME OF THE COMMENTS THAT HAVE BEEN STATED BEFORE, I DID WANT TO POINT OUT ON THE NOTICE ON THE AGENDA, NO ONE, THE PUBLIC OR YOU THE POLICYMAKERS, SAW HOW MANY HOMES ARE BEING PROPOSED FOR THIS. YOU SAW A FLOW RATE OF WASTEWATER AND A FLOW RATE OF WATER AND MY GUESS IS MOST FOLK DON'T KNOW HOW TO CALCULATE THAT INTO HOW MANY HOMES. SO THE PUBLIC MIGHT NOT HAVE -- HAVE HAD ANY IDEA HOW BIG THIS IS GOING TO BE. AND THERE IS A BASIC CITY POLICY OF ENCOURAGING GROWTH IN THE DESIRED DEVELOPMENT ZONE AND NOT EXTENDING UTILITIES INTO THE BARTON SPRINGS WATERSHED.

SO IF WE'RE REVERSING POLICY HERE, LET'S HAVE A DISCUSSION ABOUT THAT BEFORE APPROVING THIS RATHER THAN APPROVING THIS ONE AND WAITING FOR THE NEXT ONE. REGARDING DENSITY, THE AVAILABILITY OF CITY UTILITIES DOUBLES THE DENSITY. IF THEY DON'T HAVE CITY WATER AND WASTEWATER AND THEY HAVE TO BUILD ONE ACRE LOTS ON 93-ACRE, YOU GET 93 HOMES. WITH THE CITY UTILITIES THEY GET UP TO 197 OR 201 HOMES. SO YOU'RE DOUBLING THE DENSITY BY PROVIDING THE INFRASTRUCTURE. THAT IS IMPORTANT BECAUSE IT RELATES TO OTHER IMPORTANT THINGS IN THE COMMUNITY LIKE TRAFFIC. IF HAVE YOU 200 HOMES VERSUS 93 HOMES, YOU HAVE TWICE AS MUCH TRAFFIC. AND ALL THIS TRAFFIC IS GOING TO BE FEEDING ON TO HIGHWAY 290, WHICH TXDOT IS REDESIGNING AND NOBODY KNOWS WHAT TXDOT'S REDESIGN IS GOING TO LOOK LIKE. BUT REGARDLESS, WHY SHOULD WE DOUBLE THE AMOUNT OF TRAFFIC THAT'S GOING TO BE GOING ON TO 290 IF THIS SITE IS ULTIMATELY DEVELOPED. AS MR. STEINBOCK MENTIONED, THIS MIGHT BE A REGIONAL PARK. IT'S BEING LOOKED AT IN THE OAK HILL NEIGHBORHOOD PLANNING PROCESS. SO CERTAINLY APPROVING THE UTILITIES IS GOING TO PREVENT THAT FROM FERB BEING A HE -- FROM EVER BEING A POSSIBILITY. WE WOULD ENCOURAGE YOU TO THINK OF THIS AS AN OPPORTUNITY TO EXERT SOME LEVERAGE ON THE DEVELOPERS SO THAT IF THIS PROPERTY IS DEVELOPED IT'S LESS DENSE, IT HAS LESS TRAFFIC AND IT HAS MORE WATER CONSERVATION FEATURES, MORE NATIVE LANDSCAPING AND PREVENTION OF PESTICIDES AND FERTILIZERS THAT ARE POLLUTING THE EDWARD'S AQUIFER AND BARTON SPRINGS. WHAT AT TERN ACTIVITIES ARE THERE, IF THE CITY DENIED THE SERVICE EXTENSION REQUEST AND THEY DID ONE ACRE LOT MINIMUMS, THEY COULD BENEFICIALLY REUSE THE WASTEWATER. THEY WOULDN'T HAVE TO DUP THEIR SEPTIC WATER INTO THE SOIL. YOU CAN USE YOUR WASTEWATER TO IRRIGATE YOUR LANDSCAPING. THAT RUDES YOUR OVERALL WATER USE. SO THAT'S AN OPTION THE DEVELOPER.....DEVELOPERS HAVE SO IT'S NOT A

SITUATION YOU'RE IN OFTEN WHERE YOU IF YOU DON'T DO IT, SOMETHING WORSE COULD HAPPEN IF YOU DON'T APPROVE IT, SOMETHING BETTER WILL HAPPEN. THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK. WELCOME MS. GOODMAN. YOU LOOK WELL. YOU HAVE THREE MINUTES.

I ALSO CAME DOWN TO MAKE SURE THAT YOU WERE SEEING THIS UTILITY PLANNING ITEM IN A PERIPHERAL IMPACT CONTEXT. BECAUSE THE TWO NEIGHBORHOODS INVOLVED HERE I THINK MAY BE INDICATIVE OF SOME OTHER PRECEDENTS THAT COME ALONG BY WHAT I ASSUME ALREADY HAPPENED, THE SER AND ANNEXATION REQUEST BEING APPROVED FOR TEXAS OAKS. THEY ON FEBRUARY THE SIXTH WILL BE GOING BACK TO THE ZONING AND PLATTING COMMISSION TRYING TO GET AGREEMENTS WITHIN THAT PROCESS. THAT IS A PROCESS THAT DOESN'T HAVE PROVISIONS FOR THAT KIND OF THING. ZONING IS WHERE THAT HAPPENS. SO BY GOING BACKWARDS, NOT ONLY WITH TOSNA, BUT SOUTHVIEW NEIGHBORHOODS NOW, INSTEAD OF ANNEXATION ZONING SUBDIVISION, WE HAVE SUBDIVISION WITH UTILITIES, ANNEXATION AND NO ZONING, NO PROCESS. SO WE'RE ENABLING THEM TO MEET THE SUBDIVISION ORDINANCE REQUIREMENTS, WHICH IS THE ONLY THING THAT YOU CAN DENY OR APPROVE ON, AND AT THE SAME TIME TAKING AWAY THE BENEFITS THAT WE TOLD THESE NEIGHBORHOODS ANNEXATION WOULD GIVE THEM, PROTECTION OF THE ZONING PROCESS FOR LAND USE ISSUES. AND THAT IS NEGATED BECAUSE WHEN YOU REVERSE THE PROCESS, THERE IS NO POINT IN THE ZONING ANYMORE. WHAT IS ON THE GROUND IS ON THE....THE GROUND, AND ZONING AS A FORMALITY IS ADDED. SO THERE'S REALLY NO WAY FOR NEIGHBORHOODS AND ENVIRONMENTALISTS TO HAVE MEANINGFUL DISCUSSIONS WITH CENTEX RIGHT NOW BECAUSE OF THIS PROCEEDED. WHAT HAPPENED TO TSNA IS HAPPENING TO SOUTH VIEW AND SO IF YOU DON'T APPROVE THIS UTILITY SERVICE EXTENSION REQUEST AND COST PARTICIPATION TODAY, MAYBE YOU CAN GIVE

SOUTHVIEW A CHANCE. AND FOR THE FUTURE MAYBE THE SUBDIVISION ORDINANCE CAN BE AMENDED SO THAT WHEN FOLKS COME IN ASKING FOR AN SER AND ANNEXATION AND THEIR BUILDOUT...OUT SCHEDULE IS WITHIN ONE TO THREE YEARS, MAYBE THE ORDINANCE CAN BE AMENDED TO TAKE ALL THAT CONCURRENTLY AND HAVE THE ZONING PROCESS AND THE NEGOTIATION DISCUSSION PROCESS WHERE IT BELONGS. RIGHT NOW THE NEIGHBORHOODS HAVE NO SUCH AVENUE. THE ENVIRONMENT ALISTS DON'T HAVE AN AVENUE. WE THE CITY DON'T HAVE AN AVENUE. WE'RE GIVING TO CENTEX, WE'RE NOT GETTING ANYTHING. [APPLAUSE]

Mayor Wynn: THANK YOU, MS. GOODMAN. LET'S SEE, I BELIEVE THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP WISHING TO ADDRESS US ON ITEM 9 AND/OR 10. NO, ACTUALLY NOT. YEAH, I THINK WE HAVE A COUPLE. JEFF HOWARD HAS SIGNED UP. JEFF, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAM THOMPSON.

THANK YOU, MAYOR. GOOD MORNING, COUNCILMEMBERS. MY NAME IS JEFF HOWARD, HERE ON BEHALF OF THE APPLICANT, CENTEX HOMES. A LITTLE SURPRISED TO HEAR SOME OF THE COMMENTS IN THE TESTIMONY WE'VE GOT FREN THE GOTTEN FROM THE NEIGHBORHOOD. THIS HAS IN PROCESS FOR MANY, MANY MONTHS AND WE HAVEN'T HAD ANY ADVERSE REACTION. MY CLIENT HAS CONTACTED SOME OF THE ADJACENT LANDOWNERS. I WISH WE HAD KNEW ABOUT SOME OF THESE CONCERNS EARLIER ON AND PERHAPS WE COULD HAVE ANSWERED THEM. HOWEVER I WOULD LIKE TO POINT OUT A COUPLE OF IMPORTANT FACTS. FIRST OF ALL, THIS IS AN SER REQUEST. THE PROPERTY IS IN THE E.T.J., NOT ZONED. IT'S NOT REALLY A LAND USE CASE. NOW, UNDERSTANDING THAT IT'S YOUR PREROGATIVE TO VOTE YES OR NO ON THIS SER, BUT I WOULD POINT OUT SOME IMPORTANT FACTS THAT BECAUSE IT'S NOT ZONED THAT DOESN'T MEAN IT WILL -- IT'S ALWAYS GOING TO BE DWOND AS SINGLE-FAMILY OR IT COULD BE DEVELOPED WITH OTHER USES, COMMERCIAL, COULD BE MULTI-FAMILY, COULD BE DEVELOPED

WITH INDUSTRIAL USES. SO I THINK IT'S WRONG TO ASSUME THAT THE CHOICES ARE 197 LOTS THAT COMPLY FULLY WITH S.O.S., WHICH BY THE WAY IS A VERY LOW DENSITY DEVELOPMENT. THAT'S ABOUT TWO UNITS PER ACRE. THE CHOICE IS NOT 197 UNITS OR 85, THE CHOICE IS 197 UNITS OR MAYBE 200 MULTI-FAMILY UNITS OR MAYBE IT'S SEVERAL HUNDRED THOUSAND SQUARE FEET OF COMMERCIAL. BECAUSE THIS PROPERTY IS NOT ZONED FOR SINGLE-FAMILY. IT'S IN THE E.T.J. THIS PROJECT MEETS ALL CODE REQUIREMENTS. IT COMPLIES WITH S.O.S. IT HAS ACTUALLY GONE BEYOND S.O.S. IT HAS PROTECTED HEAD WATERS THAT WOULD NOT BE REQUIRED TO BE PRESENTED OTHERWISE, BUT MY CLIENT WORKED WITH STAFF, IDENTIFIED THOSE HEAD WATERS THAT NEEDED TO BE PROTECTED AND SET BACK FROM THEM. WE'VE ALSO SET BACK FROM CRITICAL ENVIRONMENTAL FEATURES AT THE REQUEST OF STAFF. THIS PROJECT IS A GOOD PROJECT. IT MEETS YOUR CODE REQUIREMENTS, IT'S IN YOUR SERVICE AREA. YOU ARE THE SERVICE PROVIDER. THIS IS A UTILITY CASE, IT'S NOT A LAND USE CASE, AND WE WOULD RESPECTFULLY REQUEST THAT HAVING MET ALL LOAD REQUIREMENTS, BEING A LOW DENSITY PROJECT AND A GOOD USE AND HAVING BEEN DETERMINED BY YOUR STAFF, BY THE WATER AND WASTEWATER COMMISSION AND BY THE ENVIRONMENTAL BOARD UNANIMOUSLY TO BE A GOOD PROJECT THAT WE WOULD HOPE THAT YOU WOULD APPROVE THIS SER TODAY. AS FAR AS ACCESS GOES, WE DO HAVE A SECONDARY ACCESS. AND THE ONLY THING THAT'S WAITING FOR THE SECONDARY ACCESS TO OCCUR IS FOR TXDOT TO CONSTRUCT THEIR IMPROVEMENTS. AND SO HOPEFULLY YOU ALL WILL SEE THAT THIS IS A GOOD LAND USE. IT MEETS YOUR CODES. IT'S IN YOUR SERVICE AREA. YOU HAVE EXTENDED SERVICE TO FOLKS LIKE SETON HOSPITAL, LOAM MA VISTA SUBDIVISION. JUST LAST WEEK YOU EXTENDED SERVICE TO CIRCLE C DEVELOPMENT THAT MET CODE REQUIREMENTS. SO HOPEFULLY THIS IS CONSISTENT WITH YOUR POLICIES, CONSISTENT WITH YOUR CODES AND ORDINANCES AND IS A GOOD PROJECT AND I RESPECTFULLY REQUEST THAT YOU APPROVE THE SER. THANK

YOU.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. HOWARD, COUNCIL? THANK YOU, SIR. OUR LAST SPEAKER IS PAM THOMPSON. WELCOME, TEXAS..... PAM. YOU WILL HAVE THREE MINUTES.

IF HAD YOU HAD A CARD OUT THERE, YOU COULD HAVE READ IT AND I WOULD HAVE GONE AWAY. I JUST WANT YOU TO KNOW THAT THIS IS NOT A LAND USE CASE AS HE SAID YET, BUT YET ALL OF THE REASONS HE'S TELLING YOU TO AGREE WITH IT RELATE TO OUR ORDINANCES AND THE USE OF THEM. THERE ARE SETBACKS THAT WE EXPECT WITH OUR ORDINANCE, AND HIS DISCUSSION WAS, HEY, WE MET THEM, IT'S YOUR LUCKY DAY. EXCUSE ME? WE HAVE ORDINANCES IN PLACE, AND WHEN PEOPLE COME WITH PROJECTS, WE EXPECT THAT. IT'S NOT LIKE, WELL, WHAT ELSE DO YOU EXPECT? WE MET YOUR ORDINANCE. THAT'S LIKE THE ZERO BASELINE THERE. SO WHAT WE NEED TO DO IS DISCUSS THIS IN THE COMMUNITY, AND ALL COMMUNITIES ARE DISCUSSING THIS. TUESDAY NIGHT IN HAYS COUNTY THEY'RE TALKING ABOUT THESE PARTICULAR ISSUES, WATER QUALITY AND SUCH LIKE. IN THE COUNTY THERE'S JUST BEEN A LOT OF WORK ON HOW WE CAN IMPROVE THINGS. AND THIS WAS FILED JUST BEFORE IT. SO I THINK THERE'S REASONS ENOUGH FOR US FOR HAVE INPUT AND MAKE THIS WORK. FOR YEARS THESE PEOPLE HAVE NOT HAD WATER. IF YOU GO A BLOCK OVER BEHIND THE -- I DON'T KNOW IF YOU'RE FAMILIAR WITH THAT AREA, BUT OUT THERE THERE'S BEEN A SIGN PRETTY MUCH TRADITIONALLY..LY WE'RE IN CRITICAL STAGE DROUGHT WITH OUR WELLS AND THEY'VE KNEED WATER FOR QUITE SOME TIME. SO I THINK THAT TALKING ABOUT THE BEST USE OF THE LAND AROUND THERE AND THE FACT THAT IS EVERYBODY'S DISCUSSING IT RIGHT NOW, WHY AREN'T WE WITH THIS PARTICULAR TRACT? SO I THINK IT'S REASONABLE FOR YOU TO DISCUSS AND LET THE PEOPLE HAVE INPUT ABOUT THIS BEFORE YOU DECIDE. BECAUSE EVEN THOUGH THEY'VE GONE TO THE BOARDS AND COMMISSION AND HE SAID THAT HE'S MET THE CRITERIA, WE SHOULD EXPECT THAT. WE SHOULD EXPECT THEM TO MEET

OUR ORDINANCES. AND HE'S SAYING BECAUSE HE'S IN THE COUNTY, HE DOESN'T HAVE TO, BUT THE ORDINANCES WERE WRITTEN FOR US TO PROTECT THE WATER QUALITY THERE AND TO NOT HAVE DEGRADATION. SO THAT'S WHAT IEB ASKING YOU TO -- WHAT I'M ASKING TO YOU CONSIDER. HE SAYS HE'S MEETING S.O.S. EVEN THOUGH HE'S COMING IN ON COUNTY REGULATIONS. COUNTY HAS APPROVED THINGS, BUT HE FILED BEFORE THEN. WHAT I'M SAYING IS THAT THE PEOPLE THAT LIVE AROUND THERE ARE WORRIED ABOUT FLOODING. THERE'S ALL KINDS OF REASONS WHY PEOPLE SHOULD HAVE INPUT ABOUT THIS. SO I'D LIKE FOR YOU TO DO WHAT HE SAID, WHICH IS CONSIDER THE LAND USE ISSUE AT SOME POINT BECAUSE IT IS, AND IT'S ALSO WATER, BECAUSE THERE IS NO WATER OUT THERE AND IT'S GOING TO BE MORE USE, IT'S GOING TO BE -- I DON'T KNOW. I THINK THAT IT'S NOT A GOOD IDEA TO DO IT RIGHT NOW. SO THANKS.

Mayor Wynn: THANK YOU. THAT CONCLUDES OUR CITIZEN TESTIMONY ON THIS COMBINED CASE, ITEMS NINE AND 10. COMMENTS, QUESTIONS FOR STAFF? ANYBODY ELSE? COUNCILMEMBER MARTINEZ?

Martinez: THANKS, MAYOR. I WANTED TO ASK A COUPLE OF QUESTIONS AS IT RELATE S TO SER'S. AND WHAT KIND OF ASSURANCES CAN WE PUT IN AN SER AS IT RELATES TO LAND USE? CAN WE ENTER INTO AGREEMENT WATER AND WASTEWATER SERVICE EXTENSION REQUESTS AS IT RELATE S TO ZONING AND/OR LAND USE? I REALIZE THIS IS NOT A ZONING CASE BECAUSE IT'S NOT IN OUR E.T.J. OR IN OUR CITY LIMITS, BUT WHAT CAN WE DO IN AN SER?

COUNCILMEMBER, I'M GOING TO HAVE TO ASK PAT MURPHY WITH WAWRD TO RESPOND TO THAT.

MARTY, I WANT TO BE -- WE'RE GETTING INTO A TRICKY AREA HERE BECAUSE WE ARE TALKING ABOUT THE FACT THAT THE STATE LAW HAS GRANDFATHERING ISSUES THAT CONSIDER AN SER AS PART OF THE FWROAS PROSE THAT BEGINS

GRANDFATHERING, THERE'S ALSO A PLAT ISSUE. THIS IS A MORE COMPLICATED ISSUE THAN JUST -- MARTY, DO YOU WANT TO TAKE A STAB AT IT?

MS. TERRY IS THE CORRECT PERSON TO ANSWER THAT.

DON'T LEAVE ME, PATRICK.

Futrell: WELCOME TO THE WORLD OF LAND DEVELOPMENT.

YES, MA'AM, AS A RESULT OF THE MOST -- I'M SORRY. MARTHA TERRY, ASSISTANT CITY MANAGER. AS A RESULT OF THE LAST LEGISLATIVE SESSION, ONE OF THE CHAPTER 245, WHICH IS THE....THE INVESTING STATUTE, WAS AMENDED TO ADD WATER AND WASTEWATER CONTRACTS AS A PERMIT. WHICH TRIGGERS VESTING.

Martinez: SO THE ANSWER IS WE CAN IMPLEMENT?

THE ANSWER IS YOU CAN ALWAYS NEGOTIATE WITH A DEVELOPTORY SEE WHAT THE DEVELOPER IS WILLING TO DO. AND IN FACT THAT'S THE REASON WHY PATRICK WAS STEPPING UP TO THE PLATE BECAUSE ACTUALLY MY UNDERSTANDING IS THAT STAFF HAS NEGOTIATED WITH THIS DEVELOPER AND HAS DON'T SOME ADDITIONAL PROTECTIONS. SO PATRICK, WOULD YOU PLEASE COME BACK?

Mayor Wynn: MR. MURPHY, WELCOME.

GOOD MORNING, MAYOR AND COUNCIL. PAT MEASURETY FI WITH WATERSHED -- PAT MURPHY WITH WATERSHED PROTECTION AND REVIEW. WE HAVE BEEN SUCCESSFUL IN GETTING SOME ADDITIONAL ENVIRONMENTAL SETBACKS FROM THE DEVELOPER THAT PROTECTS SOME HEAD WATER AREAS AND SOME CRITICAL ENVIRONMENTAL FEATURES, SPRINGS. THERE'S A TRIBUTARY THAT BEGINS IN THIS TRACT. THIS IS NEAR THE DRAINAGE DIVIDE BETWEEN WATERSHEDS SO IT'S IN THE HEAD WATERS OF SLAUGHTER AND A LITTLE BIT IN WILLIAMSON, BUT

WE WERE SUCCESSFUL IN WORKING WITH THE DEVELOPER TO CREATE AN OPEN SPACE AREA THAT IS INTEGRAL TO THE DEVELOPMENT THAT DOES A BETTER JOB OF PROTECTING THESE FEATURES THAN WOULD BE JUST A STRAIGHT UP 150-FOOT RADIUS, WHICH IS WHAT OUR CODE WOULD TYPICALLY REQUIRE. ON TOP OF THAT, THERE ARE OTHER ENVIRONMENTAL THING THAT ARE INTEGRAL TO S.O.S. THAT ARE BEING PROVIDED, OF COURSE, BECAUSE THE PROJECT HAS TO MEET THOSE STANDARDS DEALING WITH POLLUTANT REMOVAL AND TREATMENT AND ALSO PREVENTION OF CENTER POLLUTANTS.

Futrell: COUNCILMEMBER, TO KIND OF EXPLAIN TH PROCESS. YEARS AGO THE COUNCIL MADE A DECISION TO HANDLE SERVICE EXTENSION REQUEST, SER'S DIFFERENTLY IN THE DRINKING WATER PROTECTION ZONE THAN IN THE REQUIRED DEVELOPMENT ZONE. SO IF YOU'RE OUTSIDE THE CITY LIMITS IN THE DRINKING WATER PROTECTION ZONE, FIRST OF ALL THEY REQUIRE COUNCIL APPROVE, UNLIKE IN THE E.T.J. AND THE DESIRED DEVELOPMENT ZONE. THEY WILL GO TO THE WATER AND WASTEWATER BOARD. THEY WILL GO TO -- WE SENT THIS TO THE ENVIRONMENTAL BOARD. IT HAD BOTH THE WATER AND WASTEWATER BOARD AND THE ENVIRONMENTAL BOARD RELIGIOUS. WE ALSO SENT IT -- THE REASON PAT HAS SEEN IT IS BECAUSE WE ALSO SENT ALL OF THESE TO WATERSHED PROTECTION TO REVIEW, WHICH IS WHY PAT HAS HAD A REVIEW AND THE ABILITY TO LOOK AT AND DO SOME OF THE NEGOTIATIONS. WE TRIED TO RECOMMEND S.O.S. COMPLIENTS, OBJECT..... OBVIOUSLY HAVING TO FACTOR IN ALL THE ISSUE OUT THERE.

WE DO HAVE A WATER ISSUE HERE, IT IS THE WASTEWATER WHERE WE DO NOT HAVE A CCN.

THAT'S CORRECT.

Futrell: SO I THINK YOU HAVE THE OBLIGATION ON ISSUES ON WATER, BUT YOU DO NOT ON WASTEWATER.

THAT IS ABSOLUTELY CORRECT. AND I WANT TO MAKE SURE THAT WE'RE VERY CLEAR ABOUT THE GRANDFATHERING ISSUES. THIS PROJECT IS A NEW PROJECT SUBJECT TO S.O.S. WHERE GRANDFATHERING TRIGGERS IN IS ANY SFIEWT REGULATIONS -- ANY FUTURE REGULATIONS THAT THIS COUNCIL MAY CHOOSE TO ADOPT. THEY WOULD NOT BE SUBJECT TO THAT BECAUSE THEY'VE LOCKED IN AT THE TIME THAT THEY FILED. NOW, EVEN THOUGH THEY WERE S.O.S. COMPLIANT, STAFF WENT ON AHEAD AND PICKED UP THE BALL AND NEGOTIATED ADDITIONAL CONCESSIONS THAT THE DEVELOPER WAS NOT OTHERWISE REQUIRED TO DO.

Futrell: THE REASON I WANT YOU TO UNDERSTAND THIS IS BECAUSE I WANT YOU TO UNDERSTAND IT IN THE CONTEXT OF ZONING LATER.

AND IT HELPS.

Martinez: I THINK THE CHANGES THAT WE MADE ARE IMPORTANT, AND I'M GLAD THAT IT DID GO TO ENVIRONMENTAL BOARD AND WATER AND WASTEWATER, BUT I THINK THEIR PURVIEW IS VERY DIFFERENT FROM ZONING AND LAND USE AND I THINK THAT'S WHY WE IMPLEMENTED A PROCESS FOR IT TO COME BACK TO COUNCIL BECAUSE ULTIMATELY IT SHOULD REST IN A COUNCIL DECISION, BUT WITH THAT, THE OTHER QUESTION I HAD IS IN SERVICE EXTENSION REQUEST, WHEN STAFF GETS TO LOOK OR EVEN NEGOTIATE WITH THE DEVELOPER, IT DOESN'T APPEAR THAT STAFF HAS THE ABILITY TO MAKE A RECOMMENDATION WHETHER OR NOT THIS IS GOOD OR BAD. IT JUST MEAN THAT THEY HAVE TO BRING IT FORWARD BECAUSE IT MEETS THE REQUIREMENTS OF ASKING FOR A SERVICE EXTENSION. I DON'T SEE ANYWHERE IN HERE WHERE STAFF HAS THE OPPORTUNITY TO SAY, GOOD IDEA, BAD IDEA RECOMMENDATION. NO. IS THAT TRUE?

PAT, SPEAK TO IT. THE FACT OF THE MATTER IS NOTHING COMES ON THIS AGENDA THAT DOES NOT HAVE A PROFESSIONAL STAFF RELIGIOUS

RECOMMENDATION TO IT.

THE STAFF IS RECOMMENDING THIS AND DID RECOMMEND IT TO THE ENVIRONMENTAL BOARD AS WELL AS THE WATER AND WASTEWATER COMMISSION. WE DO A THOROUGH REVIEW. WE DID A VERY CAREFUL COMPARISON BETWEEN WHAT WOULD HAPPEN WITH AND WITHOUT THIS SERVICE. AND WE LAID THAT OUT FOR THOSE ENTITIES. THE REALITY HERE IS THAT WE HAVE AN S.O.S. COMPLIANT PROJECT THAT MEETS OUR WATERSHED REGULATIONS. WHAT THE DIFFERENCE IS IS IF IT'S SEVENNED, IT HAS MORE THAN TWICE AS MANY UNITS BECAUSE THE LOTS CAN BE SMALLER UNDER THE SUBDIVISION REGULATIONS. IF IT HAS ON-SITE SYSTEMS, THEY HAVE TO BE ONE ACRE MINIMUM LOTS TO COMPLY WITH OUR REGULATIONS. SO THE DENSITY IS INHERENT IN THE WASTE WALL STREET SERVICE IN THIS PARTICULAR CASE. AND SO WE DID LOOK AT THIS THOROUGHLY; HOWEVER, S.O.S. AS YOU KNOW IS A VERY HIGH STANDARD, AND WE HAVE A PROJECT THAT MEETS THAT STANDARD. SO IT IS A POLICY QUESTION WE'VE BEEN DEBATING WHETHER RECOMMENDING SERVICE IS INCREASING DENSITY, BUT AT THE SAME TIME COMPLIES WITH S.O.S. I THINK THE ENVIRONMENTAL BOARD IT DID A THOROUGH EVALUATION AND HAD LOTS OF QUESTIONS. THEY CAME TO THE CONCLUSION THAT THEY BELIEVED THAT THEY SHOULD RECOMMEND IT. ONE OF THOSE REASONS IS BECAUSE OF THE CONCERN THAT WE HAVE ABOUT LONG-TERM MAINTENANCE OF ON-SITE INDIVIDUAL SYSTEMS WHERE HOMEOWNERS ARE RESPONSIBLE FOR THOSE. THAT IS SOMETHING THAT WE KNOW OVER TIME WILL START BECOMING AN ISSUE VERSUS A CITY MAINTAINED CENTRALIZED SYSTEM.

Martinez: DID ANY OF THE NEIGHBORS COME FORWARD WITH THE CONCERN THEY'RE BLIG UP?

THERE WAS NO SPEAKERS AT THE ENVIRONMENTAL BOARD AND I WAS NOT AT THE WATER AND WASTEWATER COMMISSION BECAUSE IT HAPPENED AT THE SAME TIME AS THE ENVIRONMENTAL

BOARD.

Futrell: CAN YOU SPEAK TO THE WATER AND WASTEWATER BOARD MEETING?

NO, WE DID NOT HAVE ANY SPEAKERS AT THE WATER AND WASTEWATER COMMISSION EITHER.

[INAUDIBLE - NO MIC].

Mayor Wynn: NO, SIR, YOU CAN'T UNLESS A COUNCILMEMBER CALLS ON YOU. MR. MURPHY, A QUESTION THEN. SO IS IT WHAT YOU'RE SAYING IS FROM A STAFF PERSPECTIVE, FROM A SCIENCE PERSPECTIVE, ULTIMATELY YOU ALL DID THE ANALYSIS AND IT SEEMS TO ME SORT OF FUNDAMENTALLY THE QUESTION IS WE WOULD -- WOULD YOU RATHER HAVE TWICE AS MANY HOMES ON A CENTRALIZED SYSTEM OR HAVE HALF AS MANY HOMES, EACH OF THOSE HOMES HAVING THEIR OWN INDIVIDUAL SEPTIC FIELD OVER THE CONTRIBUTING ZONE. SO THAT'S SORT OF A FUNDAMENTAL ENVIRONMENTAL ANALYSIS THAT YOU AND YOUR STAFF DO?

CORRECT. THAT WAS THE ANALYSIS THAT WE DID HERE. WE CAME TO THE CLIEWNGS THAT BASED ON WHAT THIS SITE DOES PROVIDE S.O.S. COMPLIOINS BOTH IN TERMS OF IMPERVIOUS COVER AND IN TERMS OF LONG-TERM BENEFITS OF CENTRALIZED VERSUS LONG-TERM BENEFITS OF SWRID VID ON-SITE -- OF INDIVIDUAL ON-SITE SYSTEMS ON THE LOTS. AND THE FACT THAT WE DID -- DWOA HAVE SOMEWHAT OF A CLUSTERED DEVELOPMENT HERE WHERE THE LOTS ARE SMALLER AND THERE'S MORE UNDISTURBED OPEN SPACE. IF IT WERE ONE ACRE LOTS, THE LOTS WOULD HAVE TO USE MORE OF THAT LAND QUITE SIMPLY. AND THEREFORE WE WOULD HAVE LESS OR MINIMAL OPEN SPACE FOR MINIMAL ENVIRONMENTAL FEATURES.

I WANT TO PUT THIS IN PERSPECTIVE. PART OF THE DILEMMA HERE IS IT IS S.O.S. COMPLIANT, WHICH IS THE COUNCIL'S POLICY.

STAFF DID A LOT OF DISCUSSING IN TERMS OF

WHAT ARE OTHER DIFFICULT TO QUANTIFY ISSUE THAT I KNOW THAT COUNCILMEMBER LEFFINGWELL HAS BEEN TRYING TO ADDRESS IN HIS BARTON SPRINGS ZONE AMENDMENT. TRAFFIC, MORE VEHICLE TRIPS, ALL THOSE SORTS OF THINGS. THE PROBLEM IS THAT THAT'S VERY DIFFICULT, AS YOU KNOW, TO QUANTIFY, AND TWO, IT'S COMPOUNDED BY THAT THIS IS NOT IN THE CITY. THIS IS IN THE E.T.J. SO WE DON'T HAVE ZONING CONTROLS. AND THINGS THAT WOULD OTHERWISE APPLY. STAFF CAME TO THE CONCLUSION AFTER A THOUGHTFUL ANALYSIS THAT WE WOULD RECOMMEND THIS FOR FOR APPROVE GIVE THEAN IT DOES MEET S.O.S., THAT IT DOES MEET LONG-TERM CONCERNS LADDERING...ING SYSTEMS AND IT DOES PROTECT SENSITIVE ENVIRONMENTAL AREAS ON THE SITE.

Mayor Wynn: MR. STEINBOCK, I THINK YOU HAD A COMMENT ABOUT THE PUBLIC AVAILABILITY OF EITHER THE ENVIRONMENTAL BOARD OR WATER AND WASTEWATER COMMISSION.

A COUPLE OF THING. FIRST, THIS IS SUCH A RURAL AREA, THE LOTS AT LEAST DOWN SOUTH ARE TWO ACRES. BY THE TIME WE GET NOTIFICATION, IT'S ONLY A 300-FOOT NOTIFICATION. THERE ARE ONLY NINE LOTS ALONG HERE. TWO ARE VACANT. THAT GOES DOWN TO SEVEN LANDOWNERS GOT A NOTIFICATION. I'M ONE OF THOSE. THERE'S JUST NOT OPPORTUNITY. IP I. GOT A FIRST NOTIFICATION IN JULY OF THIS PAST YEAR ON THIS. THAT WAS FROM THE ZONING AND PLATTING COMMISSION. I'VE BEEN IN DIRECT CONTACT WITH CENTEX HOME, I'VE BEEN IN CONTACT WITH THE ENGINEER. I'VE BEEN IN CONTACT WITH THE WASTEWATER DEPARTMENT. I'VE BEEN IN QUAKT THE CONTACT WITH THE ENVIRONMENTAL DEPARTMENT. THE ONLY OTHER CONTACT I'VE HAD MAILED TO ME IS TWO DAYS AGO FROM THE ZONING AND PLATTING COMMISSION WHICH RECOMMENDED ME GO TO THE MEETING ON TUESDAY NIGHT. SO THERE HASN'T BEEN A NOIFK. THIS THING HAS BEEN UNDER THE RADAR FOR ALL OF THE INDIVIDUALS IN THIS AREA TO GO AND DO ANYTHING. IF I WASN'T HERE RALLYING SUPPORT FROM OTHER FOLKS, IT

WOULDN'T EVEN BE GETTING NOTICE. I'M JUST A PRIVATE CITIZEN DOING ALL THAT I CAN ON THIS. AND PUBLIC POLICY CAN'T BOIL DOWN TO THE SEPTIC SYSTEM ISSUE. IT'S GOT TO BE LOOKED AT FOR THE SAFETY OF THESE INDIVIDUALS THROUGHOUT, THE NUMBER OF CARS, THE NUMBER OF PESTICIDES, THE RUNOFF. 200 HOMES WITH MANICURED LAWNS OF MOWING, PESTICIDES, HERBICIDES RUNNING OFF, I WISH WE HAD A MAP OF THIS. THERE'S A HUGE WATERSHED IN THE MIDDLE OF THIS PROPERTY THAT RUNS DOWNHILL. ALL THOSE PESTICIDES, ALL THAT RUNOFF IS GOING DOWN AND THEN DOWN THE WATERSHED. IN..MODERN SEPTIC SYSTEMS CAN'T BE THAT DETRIMENTAL.

Mayor Wynn: THANK YOU. WE ALL APPRECIATE AN INDIVIDUAL HOMEOWNER ULTIMATELY HELPING WITH THE BROADER NOTIFICATION AND FRANKLY RALLYING TROOPS. I'VE SEEN YOUR WORK AND IT'S PRIM ASSESS ACTIVE SEPTIC VERSUS CENTRALIZED SEWER. I KNOW, BUT I'D LIKE TO HEAR YOU SAY AND WALK US THROUGH ALL OF THE DIFFERENT ISSUES, SOME OF WHICH MR. STEINBOCK GRADUATE BUREAUCRAT UP, THINGS LIKE -- THAT MR. STEINBOCK BROUGHT UP. THINGS LIKE PESTICIDES AND OTHER ENVIRONMENTAL ARGUMENTS PRO AND CON OTHER THAN JUST SEPTIC VERSUS CENTRALIZED SEWER.

I CERTAINLY WOULD LIKE TO DO THAT. I ALSO FORGOT TO POINT OUT ONE THING THAT I THINK IS IMPORTANT REGARDING THE INDIVIDUAL ON-SITE SYSTEMS. AND THAT IS THAT THE SOILS IN THIS AREA ARE VERY POOR -- THE SOILS IN THIS AREA ARE VERY POOR IN WORKING WITH THESE TYPES OF SYSTEMS AND THAT FIGURED IN HEAVILY IN OUR CONSIDERATION. LET ME POINT OUT THAT WHEN THE SAVE OUR SPRINGS WAS ADOPTED BY THE VOTERS, IT WOULD NOT INCLUDE DENSITY RESTRICTIONS, IT INCLUDED IMPERVIOUS COVER RESTRICTIONS. AND AS A RESULT WHEN AN S.O.S. SUBDIVISION SUCH AS THIS ONE WHICH WAS FILED, THERE IS A CONCURRENT DECISION PLAT. THAT DECISION HINGES UPON APPROVAL OF THIS SERVICE BECAUSE THE COMMISSION CANNOT

APPROVE THE SUBDIVISION IF IT DISBLS HAVE APPROVED SERVICE, WHETHER IT BE INDIVIDUAL ON-SITE SYSTEMS OR -- I'M TALKING ABOUT WASTEWATER. OR WHETHER IT BE CENTRALIZED. THIS SUBDIVISION HAS BEEN DESIGNED MORE CENTRALIZED AS IT SITS RIGHT NOW. THE SAVE OUR SPRINGS REGULATIONS THAT WE ENFORCE DO NOT DEAL WITH TRAFFIC. THEY DO NOT DEAL WITH DENSITY, BUT THEY DO IS -- S.O.S. DOES DO A GOOD JOB OF DEALING WITH POLLUTANTS, INCLUDING POLLUTANT PREVENTION. ONE OF THE COMPONENTS OF AN S.O.S. COMPLIANT PLAN IS NOT ONLY A WATER QUALITY TREATMENT FACILITY FOR STORM WATER RUNOFF. THERE ARE ALSO CONTROLS FOR INTEGRATED PEST MANAGEMENT THAT ARE DESIGNED ON TO... TO IDENTIFY SOURCES OF POLLUTANTS, EDUCATING THE HOMEOWNERS. WHAT WE HAVE TALKED ABOUT IS THE IDEA OF WORKING WITH CENTEX TO MAKE SURE THAT WE HAVE A VERY THOROUGH HOMEOWNER'S EDUCATION PROGRAM AS SOMETHING THAT WOULD GO EVEN FURTHER. THAT IS SOMETHING THAT WE LOOKED AT. AS I UNDERSTAND IT, AND I KNOW THAT GREG GUERNSEY IS HERE IF NEEDED, THIS IS NOT A TRACT THAT IS LIKELY TO BE ANNEXED SOON; HOWEVER, AS A CONDITION OF GETTING SERVICE THEY HAVE TO CONSENT TO BE ANNEXED. SO ANNEXATION MOST LIKELY WILL CIR AT SOME POINT IN THE FUTURE, BUT THAT IS NOT IMMIDENT. SO WHEN WE DO AN S.O.S. AIN A SIS, WE'RE LOOKING AT THE SITE, WE'RE LOOKING AT THE ENVIRONMENTAL FEATURES, WE ARE LOOKING AT THE TYPES OF WASTEWATER FACILITIES THAT ARE PROPOSED. WE'RE LOOKING AT THE LOT ARRANGEMENTS RELATIVE TO TREES AND OTHER SIGNIFICANT FEATURES ON THE TRACT. AND THAT IS PRETTY MUCH THE LIMIT OF OUR ENVIRONMENTAL REVIEW. THERE IS ALSO REVIEW FOR DRAINAGE REGARDING FLOOD CONCERNS AND SO FORTH THAT OTHER PROPERTY OWNERS DOWNSTREAM MIGHT BE FLOODED. WE ARE CERTAINLY TRYING TO MAKE SURE THAT THERE'S ACCESS. AS FAR AS TRAFFIC IMPACTS, THAT IS NOT SOMETHING THAT IS PART OF OUR REVIEW IN THE E.T.J. HOPEFULLY THAT ANSWERS YOUR QUESTION,

MAYOR?

Leffingwell: I THINK WHAT YOU'VE SAID HERE IS IT IS NOT ONLY S.O.S. COMPLIANT, BUT IT IS SUPERIOR TO S.O.S. WITH THE PROTECTION OF CRITICAL ENVIRONMENTAL FEATURES AND GOING BEYOND THAT TO HEAD WATERS PROTECTION THAT IS NOT CURRENTLY IN OUR CODE, IS THAT CORRECT?

THAT IS CORRECT.

Leffingwell: AND THE OTHER PIECE OF INFORMATION IS THIS PROPERTY IS GOING TO BE DEVELOPED. THE QUESTION IS WILL IT HAVE WAIT WATER SERVICE OR IS IT GOING TO HAVE SEPTIC SERVICE. WE'RE NOT OBLIGATED IN THE CCN'S AS I UNDERSTAND NOOD FROM THE CITY MANAGER TO PROVIDE WASTEWATER SERVICE. IF IT WERE DEVELOPED WITHOUT THIS SERVICE EXTENSION, IT WOULD BE DEVELOPED WITH SEPTIC TANKS, CORRECT? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] CONSERVATION MEASURES WHICH ARE WORKS IN PROGRESS RIGHT NOW.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY MAYOR PRO TEM DUNKERLEY TO APPROVE COMBINED ITEMS 9 AND 10. COUNCIL MEMBER KIM?

KIM: I HAVE A QUESTION FOR STAFF ABOUT SEPTIC AND LAND DEVELOPMENT ACCORDING TO STATE LAW. WHAT IS THE IMPERVIOUS COVER LIMITATION UNDER STATE LAW FOR SEPTIC? MY UNDERSTANDING IS THAT IT'S ACTUALLY 3% IMPERVIOUS COVER IF YOU ADD IT ALL UP. BUT I JUST WANT TO UNDERSTAND FROM STAFF, WHAT IS YOUR INTERPRETATION?

MY UNDERSTANDING IS THAT THERE IS NO IMPERVIOUS COVER LIMIT REGARDING INDIVIDUAL ON-SITE SYSTEMS. IT HAS TO DO WITH AREA THAT'S NEEDED FOR THE TREATMENT. FOR SINGLE-FAMILY, SINCE AS YOU-ALL KNOW, IT'S DIFFICULT TO REGULATE HOW MUCH IMPERVIOUS COVER OCCURS LONG-TERM ON INDIVIDUAL SINGLE-FAMILY LOTS AND ESPECIALLY OUTSIDE OF OUR ZONING

JURISDICTION. IT IS REGULATED BY LOT SIZE. OUR CODE STIPULATES THAT IT MUST BE 1 ACRE FOR INDIVIDUAL ON-SITE, AND THERE ARE EDWARDS RULES THAT ARE ADOPTED BY THE STATE THAT ALSO REGULATE LOT SIZE, AND AS WELL AS COUNTY REGULATIONS THAT REGULATE LOT SIZE.

KIM: BUT IF YOU LOOK AT LOT SIZE AND YOU LOOK AT THE CAPACITY FOR A HOME OR ANY KIND OF MULTIFAMILY -- THAT WOULD BE ON SEPTIC, I DON'T KNOW IF THAT'S POSSIBLE, CAN YOU GIVE US KIND OF A ROUGH ESTIMATE OF WHAT THAT IMPERVIOUS COVER COMES DOWN TO? BECAUSE I'M HEARING 3%.

IT REALLY, UNFORTUNATELY, ENDS UP BEING A CASE BY CASE ANALYSIS, BECAUSE WHAT GOES INTO THE CONSIDERATION OF ADEQUATE AREA FOR TREATMENT IS SOILS AND VEGETATION AND IT IS NOT SOMETHING THAT IS EASY TO ANSWER. I REALLY -- UNLESS THERE'S SOME STAFF MEMBER THAT MIGHT HAVE A BETTER HANDLE ON THAT --

THAT --

KIM: YEAH, A RANGE OF WHAT -- LET'S SAY 75% OF -- OR SOMETHING LIKE THAT I... I'M NOT LOOKING FOR A TECHNICAL ANSWER OR A COMPLETELY ACCURATE ANSWER. I'M JUST LOOKING FOR A RANGE OF WHAT WOULD MOST DEVELOPMENTS FALL INTO IF YOU'RE ACTUAL..... ACTUALLY DOING AN IMPERVIOUS COVER THING FOR WHAT'S ON THE GROUND.

JEAN WITH OUR DEPARTMENT IS HERE AND SHE MAY HAVE INFORMATION ON THAT.

MAYOR AND MEMBERS OF THE COUNCIL, WE DID A LOT OF ANALYSIS ON POSSIBLE LAYOUTS AND ALTERNATIVES OF IF ON-SITE SEPTIC WERE TO BE PROVIDED AND OUR ESTIMATION IS -- PAT IS CORRECT THAT STATE LAW AND COUNTY LAW REQUIRE A MINIMUM OF AN ACRE SYSTEM IF YOU HAVE ACCEPT IT -- IF YOU JUST HAVE A SEPTIC SYSTEM AND CITY PROVIDED WATER, THEN IT WOULD BE A .75-ACRE REQUIREMENT. WE DID AN

ESTIMATION THAT WE BELIEVED THAT THIS SITE COULD HANDLE ABOUT 85 LOTS, AND THAT THAT WOULD RANGE IN IMPERVIOUS COVER FROM ABOUT 12 TO 15%, AND AS PAT INDICATED, IT'S VERY DIFFICULT TO GET AN ACCURATE RANGE BECAUSE IT REALLY DEPENDS ON HOW THE STREET SYSTEM IS LAID OUT. BECAUSE THIS PROPERTY DOES HAVE A DRAW IN IT, ONE THING THAT WE CONSIDER WITH THE LARGE LOTS WOULD LIKELY -- WHILE, THEY COULD NOT INCLUDE THE CEF AREAS IN IT, THEY WOULD INCLUDE A LOT WITH A HEAD WATER AREA IN IT. IN ORDER TO PROVIDE THAT ACCESS YOU.... I. YOU WOULD STILL NEED AN EXTENSIVE ROADWAY SYSTEM AND THAT'S..... THAT'S WHY THE IMPERVIOUS COVER IS WITHIN THE 12 TO 15%.

IS THAT 12 TO 15% WITH WATER SERVICE FROM THE CITY IS IT?

YES.

SO IF IT WERE WITHOUT WATER SERVICE FROM THE CITY IT WOULD BE LESS THAN THAT, IT WOULD BE UNDER THE ONE ACRE.

SO WHAT ARE WE TALKING ABOUT 10%? LESS THAN 10%?

PROBABLY ABOUT 10%. HOWEVER WE CALCULATED WITH THE WATER SERVICE FROM THE CITY BECAUSE IT IS OUR UNDERSTANDING IT IS WITHIN THE WATER CCN AND WE ARE OBLIGATED TO PROVIDE WATER SERVICE BECAUSE OF THAT, AND SO THAT'S WHY WE USE THE .75 WITH JUST ON-SITE SEPTIC AS OUR ASSUMPTION.

SO WE'RE LEGALLY REQUIRED TO PROVIDE WATER?

IT'S WITHIN OUR WATER SERVICE AREA CCN AND THAT WAS MY UNDERSTANDING THAT WE WERE LEGALLY REQUIRED TO PROVIDE WATER.

MS. TERRY, CAN YOU CONFIRM THAT?

LET ME -- I'M ASSISTANT CITY ATTORNEY. LET ME

GIVE YOU BACKGROUND. A CERTIFICATE OF CONVENIENCE AND NECESSITY, WHICH IS A CCN IS GRANTED BY THE STATE OF TEXAS. IT IS A PRIVILEGE TO SERVE BUT ALONG WITH IT COMES SOME OBLIGATIONS TO SERVE AND THE OBLIGATION TO SERVE IS THAT IF A REQUEST COMES IN THAT NEEDS ALL OF OUR RULES AND REGULATIONS, WHICH ARE REVIEWED BY THE STATE OF TEXAS WHEN THEY GRANT THE CERTIFICATE OF CONVENIENCE AND NECESSITY, WE ARE THEN OBLIGATED TO SERVE THE FACILITY, THE REQUESTER. THAT IS, THE QUID PRO..... CONFIDE..... QUID PRO QUO, IF YOU WILL, OF BEING GIVEN THE PRIVILEGE TO SERVE AN AREA TO THE EXCLUSION OF A UTILITY. SO WE HOLD A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER SERVICE FOR THE AREA IN QUESTION, UNDER THE RULES AND REGULATIONS OF TCEQ WE ARE OBLIGATED TO SERVE, IF THEY MEET OUR RULES AND REGULATIONS, AND THEY DO.

SO IF WE SAY NO TO THIS PROJECT THEN WE'RE VIOLATED OUR CCN AGREEMENTS?

IT'S NOT AN AGREEMENT. IT IS A CERTIFICATE, AN AUTHORIZATION FROM THE STATE, AND YES WE ARE VIOLATING OUR AUTHORIZATION FROM THE STATE OF TEXAS.

AND THEN WHAT WOULD HAPPEN?

ANY NUMBER OF THINGS CAN HAPPEN, INCLUDING REMOVAL OF THE CCN, ENFORCEMENT ACTION AGAINST THE CITY OF AUSTIN, ET CETERA KIM DOESN'T SEEM LIKE WE HAVE MUCH OPTIONS HERE, THEN.

THE OPTION IS, IS THAT YOU REQUIRE THEM TO COMPLY WITH YOUR RULES AND REGULATIONS, BUT THAT IS THE QUID PRO QUO OF THE PRIVILEGE OF BEING THE EXCLUSIVE PROVIDER OF SERVICE, TO THE EXCLUSION OF OTHER UTILITIES. IT IS A PROTECTED SERVICE TERRITORY, IF YOU WILL.

KIM: SO THE CITY'S POLICY WAS TO ASK FOR THE BOUNDARIES THAT WE CURRENTLY HAVE FOR THE

CCN, WHICH GOES BEYOND OUR CITY LIMITS. IT GOES INTO OUR ETJ?

IN SOME AREAS, YES, MA'AM. IT DOES. IT IS PROTECTION FOR US, AND THE REASON WHY, TO.

TO PREVENT COMPETITION FROM PROVIDING WATER?

YES, AND WE ALSO PROVIDE A SEWER OF CONVENIENT AND NECESSITY, IF IT DOESN'T EXTEND IN THIS AREA. THE REASON WHY IT'S PROTECTION FOR US IS BECAUSE IT ALLOWS US TO DICTATE THE SIZE OF THE PIPES, TO DICTATE THE SERVICE, TO PROVIDE FIRE FLOW AND TO INFLUENCE HOW WATER SERVICE IS DELIVERED SO THAT IT IS GOOD QUALITY SERVICE BEING PROVIDED AND SO THAT THERE IS FIRE PROTECTION FOR THE AREAS IN QUESTION. KIM, HOW MUCH ARE WE TALKING ABOUT IN TERMS OF -- I MEAN, I WANT TO LOOK INTO THE POLICY AS FAR AS WHAT WE'RE TALKING ABOUT. I'D LIKE TO GET A SENSE LATER AS TO HOW MUCH OF OUR CCN IS OUTSIDE THE CITY LIMITS OF AUSTIN OVER THE RECHARGE AND CONTRIBUTING ZONE?

WE'LL BE HAPPY TO GET THAT INFORMATION, GIVE YOU MAPS AND OUTLINE IT FOR YOU SO YOU CAN SEE WHAT IT LOOKS LIKE.

OKAY. THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: SORRY, I HAVE A COUPLE MORE QUESTIONS.

MAYOR WYNN: THAT'S FINE.

MARTINEZ: INSTEAD OF, I GUESS, MANDATING COMPLIANCE, I WANTED TO ASK AN AGENT OF CENTEX IF THEY WOULD BE ABLE TO COMPLY WITH OUR WATER CONSERVATION TASK FORCE MEASURES THAT COULD BE COMING UP IN THE NEAR FUTURE?

COUNCIL MEMBER, MY NAME IS JEFF HOWARD. AGAIN, THE -- WE HAVEN'T LOOKED AT IT AND THIS WAS THE FIRST WE HAD HEARD ABOUT IT, SO WE'RE JUST NOT SURE WHETHER WE COULD OR NOT. I JUST DON'T KNOW THE ANSWER TO THE QUESTION. CENTEX HOMES, I JUST ASKED THEM THE VERY SAME QUESTION, THEY SAID THEY HADN'T LOOKED AT IT SO I APOLOGIZE. WE HAVEN'T DONE ANY SORT OF ANALYSIS -- WHETHER OR NOT THAT.....THAT WOULD AFFECT THIS PROJECT. I THINK -- I CERTAINLY UNDERSTAND THE WATER CONSERVATION MEASURES AND THINK THEY'RE A GOOD IDEA BUT WE HAVEN'T DONE ANY SORT OF ANALYSIS FOR THIS PROJECT..... PROJECT.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: BUT YOU DO NOT OBJECT TO STUDYING AND COMPLYING WHEREVER -- WHEREVER IT'S POSSIBLE?

ABSOLUTELY NOT.

LEFFINGWELL: IT'S REALLY KIND OF UNFAIR TO ASK YOU WILL YOU COMPLY WITH SOMETHING THAT DOESN'T EXIST AT THIS POINT IN TIME, SO CERTAINLY YOU CAN EXPRESS A WILLINGNESS TO GIVE ALL DUE CONSIDERATION TO THIS AS YOU GO FORWARD WITH YOUR PLANS.

YES, COUNCIL MEMBER, WE WOULD DEFINITELY BE WILLING TO DO THAT, AND CFERL..... CONFIRM THAT.... THAT.

JUST ONE MORE --

ONE FINAL QUESTION FOR STAFF. AS WE MOVE FORWARD, I REALLY WOULD LIKE FOR US TO TRY TO GIVE COUNCIL A VISION OF HOW MANY NCR'S WE HAVE COMING DOWN THE PIKE, IF THIS IS THE KIND OF QUESTIONS AND CONCERNS WE'RE GOING - - THAT ARE GOING TO BE RAISED POTENTIALLY IN FUTURE CASES, THAT I THINK COUNCIL MEMBER LEFFINGWELL'S SUGGESTION IS RIGHT ON AND THAT WE NEED TO COME UP WITH SOME FRAMEWORK MOVING FORWARD TO ADDRESS

THESE CONCERNS SO THAT WE -- DON'T --

HERE'S WHAT I'VE TAKEN AWAY FROM IT. WE'VE GOTTEN A CLEAR SENSE FROM YOU THAT YOU WOULD LIKE US TO TAKE A LOOK AT THE FCR FRERM AND INCORPORATE IT IN THE WATER AND ENERGY CONSERVATION FOR -- WE WILL TAKE A LOOK AT THAT AND BRING THAT FRAMEWORK BACK TO YOU. WE'LL DO A COUPLE THINGS FOR YOU. WE'LL LET YOU KNOW ANYTHING WE HAVE. WE'LL GIVE YOU A REPORT OF ALL THE FCR'S WE HAVE IN THE CUE SO... SO THAT YOU KNOW ABOUT THAT, AND MAYBE TAKE A LOOK BACK AT THE PAST YEAR AND GIVE YOU A SNAPSHOT OF WHAT YOU DID IN A YEAR SO YOU CAN SEE WHAT A CASELOAD LOOKS LIKE IN A YEAR OF FCR'S. AND I ALSO TOOK FROM COUNCIL MEMBER KIM, WE WILL GET YOU THE MAPS AND THE BOUNDARIES OF THE TWO DIFFERENT CCN'S, BOTH WATER AND WASTEWATER, AND DEFINE FOR YOU CITY LIMITS, ETJ, SO YOU HAVE A SENSE OF IT AS WELL AS WATER SHE....SHEDS.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? AND WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE COMBINED ITEMS 9 AND 10. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THANK YOU ALL VERY MUCH. LET'S SEE, COUNCIL, WE ALSO HAD PULLED ITEMS 12 AND 13. I BELIEVE COUNCIL MEMBER MARTINEZ HAD PULLED THEM.

YES, SIR.

MAYOR WYNN: SO COUNCIL MEMBER, RECOGNIZE YOU AND/OR A BRIEF STAFF PRESENTATION PERHAPS.

I THINK WE CAN MAKE THIS PRETTY BRIEF, ACTUALLY. THIS IS RELATING TO THE FIRST YEAR'S ALLOCATION OF THE BOND INITIATIVES THAT WERE PASSED LAST NOVEMBER, AND SO WHAT WE ARE

PROJECTING IS THE ABILITY TO SPEND UP TO \$80 MILLION IT THIS YEAR ON THE PROPOSITIONS THAT WERE APPROVED BY THE VOTERS, AND WHAT'S BEFORE US TODAY IS THE REIMBURSEMENT RESOLUTION AND THEN THE STAFF RECOMMENDATION OF WHAT THAT FIRST YEAR SHOULD LOOK LIKE AS IT RELATES TO ALL OF THE BONDS THAT WERE PASSED, AND THE REASON I'VE ASKED TO PULL IT DOWN TODAY IS SIMPLY ASK IF WE CAN -- TODAY I THINK WAS THE LAST APPOINTMENT TO OUR BOND OVERSIGHT COMMITTEE, AND SO WE NOW HAVE THAT COMMITTEE IN PLACE, AND IT WAS MY UNDERSTANDING, AND MAYBE INCORRECTLY, BUT IT WAS MY UNDERSTANDING THAT THE OVERSIGHT COMMITTEE WOULD HAVE THE ABILITY TO REVIEW THOSE RECOMMENDATIONS AND POTENTIALLY..LY MAKE A RECOMMENDATION OF THEIR OWN AS TO HOW WE PRIORITIZE THESE EXPENDITURES. THERE ARE A LOT OF COMPETING INTERESTS. WE HAVE ALMOST \$600 MILLION OVER THE NEXT SIX YEARS THAT'S GOING TO BE SPENT THAT'S, YOU KNOW, TAXPAYER MONEY, AND I REALLY WOULD LIKE TO HAVE A LITTLE BIT MORE PUBLIC INPUT, AT LEAST, AND ESPECIALLY FROM THE OVERSIGHT COMMITTEE THAT WE'RE PUTTING IN PLACE, JUST SO THAT WE CAN GET SOME FEEDBACK. I WOULD LIKE TO SEE IF STAFF CAN MAKE A PRESENTATION TO THE COMMITTEE AND EXPLAIN THEIR RECOMMENDATIONS, AND THEN POSSIBLY HAVE THE OVERSIGHT COMMITTEE MAKE A RECOMMENDATION OF THEIR OWN, IF IT -- IF IT'S ALL RIGHT WITH STAFF TO DO IT THAT WAY. AND I THINK WE CAN GET IT BACK FAIRLY QUICKLY. I UNDERSTAND THAT THERE ARE SOME TIME CONSIDERATIONS, AND I WANT TO BE RESPECTFUL OF THAT, BUT I THINK WE CAN GET IT BACK IN A FAIRLY QUICK AMOUNT OF TIME.

WE ABSOLUTELY CAN DO THIS. IT'S TRUE THAT THE CHARGE WE BROUGHT FORWARD TO YOU A CHARGE THAT WAS SIMILAR TO PAST BONDS, OVERSIGHT CHARGES, AND IT DID NOT HAVE THAT IN IT, AND WE CAN EASILY BRING YOU BACK AN AMENDMENT TO THE CHARGE. THE CHARGE IN THE PAST FOR OVERSIGHT BOND COMMITTEES HAS

BEEN REALLY MORE TO -- IN THE ACTUAL IMPLEMENTATION OF THE BONDS AND ON TIME AND ON BUDGET KIND OF OVERSIGHT. BUT WE WILL BRING YOU BACK AN AMENDMENT, IF IT'S THE COUNCIL'S DESIRE, THAT ADDS EACH YEAR A RECOMMENDATION, INCLUDING THE FIRST TIME OUT THE SHIEWT, RECOMMENDATION ON THE SPENDING PLAN. AFTER WE GET THROUGH THIS FIRST YEAR THEN YOU-ALL WILL BE INCORPORATING THAT JUST IN YOUR ANNUAL BUDGET REVIEWS AND WE CAN WITH..... WORK THROUGH WITH AN OVERSIGHT RECOMMENDATION IN THAT. AND WE'LL LOOK TOWARDS A 30ISH...ISH DAYTIME LINE. WE'LL DO A LITTLE EXTRA WORK. IT WILL TAKE US TIME TO GET THE BOND COMMITTEE UP TO SPEED. WE MAY NEED TO DO A COUPLE MEETINGS AND TRY TO GET YOU A RECOMMENDATION BACK WITHIN ABOUT 30 DAYS SO THAT WE STILL HAVE SOME TIME TO GET SOME OF THESE BOND PROJECTS GOING THIS FIRST YEAR.

I THINK IT'S IMPORTANT THAT WE LET OUR OVERSIGHT COMMITTEE KNOW THAT THERE MAY NEED TO BE A COUPLE MEETINGS, ONE FOR STRUCTURAL REASONS, ELECTING A CHAIR, VICE CHAIR, SETTING GROUND RULES, AND THEN HOPEFULLY BY THE 15TH WE CAN BRING AN AMENDMENT BACK TO THE ON THE THE OVERSIGHT RESOLUTION AND THEN AFTER THE 15TH OVERSIGHT COMMITTEE MEETS AND MAKE ANY RECOMMENDATIONS TO COME BACK BY THE 1ST OF MARCH.

MAYOR WYNN: MAYOR PRO TEM?

I WOULD LIKE TO REQUEST THAT IF ANY OF THESE PROJECTS BECOME AN EMERGENCY OF ANY KIND, THAT YOU ALERT US SO THAT WE HAVE THE ABILITY TO ACT ON ANY INDIVIDUAL ONES WHILE THE FULL -- WHILE THE FULL PROGRAM IS BEING CONSIDERED. I DON'T ANTICIPATE ANY FROM LOOKING AT IT, BUT, YOU KNOW, YOU NEVER KNOW. SO I'D APPRECIATE THAT.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'M SENSITIVE TO COUNCIL MEMBER'S MARTINEZ'S CONCERNS ABOUT CITIZEN OVERSIGHT AND I'M ALSO VERY SENSITIVE TO THE FACT THAT SOME OF THIS MONEY IS TIME-SENSITIVE. ALMOST HALF OF THE MONEY IN THIS BOND IMAGINE IS FOR OPEN SPACE ACQUISITION. THERE'S VIRTUALLY NO PREPARATION, STRUCTURAL REQUIREMENTS IN PLACE BEFORE WE GO AHEAD, AND THERE IS THE IMPERATIVE TO ACQUIRE OPEN SPACE SOONER..... SOONER RATHER THAN LATER BECAUSE THE PRICE IS JUST GOING TO GO UP. SO I LIKE THE IDEA OF YOUR 30-ISH -- I GUESS THAT'S 30 PLUS OR MINUS TWO DAYS OR SOMETHING LIKE THAT.

I SHOULD HAVE PUT A MARGIN OF ERROR THERE.

I DO THINK IT'S IMPORTANT THAT WE GO AHEAD QUICKLY ON THIS.

MAYOR WYNN: COUNCIL MEMBER COLE?

COLE: MAYOR, I. I WOULD JUST LIKE TO REITERATE COUNCIL MEMBER MARTINEZ'S CONCERN THAT WE HAVE PUBLIC INPUT WHILE STILL RECOGNIZING THAT THE COUNCIL WILL MAKE THE ULTIMATE OVERVIEW OF THE PROJECT AND HOW THE.... THE MONEY IS SPENT, AND THAT WE BE SENS SENSITIVE TO THE AMOUNT OF THE DOLLARS AND IN PARTICULAR THE DOLLARS THAT HAVE TO BE SPENT SO THAT WE DON'T INCREASE THE AMOUNT OF MONEY THAT WE'RE SPENDING, AS COUNCIL MEMBER LEFFINGWELL MENTIONED, THAT IS TIME SENSITIVE. SO I JUST WANTED TO EXPRESS THAT.

AND COUNCIL MEMBERS, IT'S TRUE, THERE'S A CAP, THERE'S AN AMOUNT OF CAPACITY WE HAVE THIS FIRST YEAR, SO WE'LL START WITH THAT CAPACITY NUMBER AND WE'LL PUT OUR STAFF RECOMMENDATION ON THE TABLE IN FRONT OF THEM WITH THE FEEDBACK WE'VE GOTTEN FROM YOU-ALL OVER THE LAST FEW WEEKS, AND WE'LL JUST START FROM THERE TO HELP THEM CRAFT A RECOMMENDATION TO YOU.

MAYOR WYNN: THANK YOU, CITY MANAGER.

FURTHER COMMENTS, QUESTIONS? SO THEN IF NOT I'LL ENTERTAIN A MOTION ON THE COMBINED ITEMS 12 AND 13. COUNCIL MEMBER MARTINEZ.

MARTINEZ: I'LL MOVE TO POSTPONE THOSE TWO ITEMS FOR A 30ISH DAY TIME PERIOD FOR THE REVISION TO THE OVERSIGHT COMMITTEE CHARGING THEM WITH MAKING A RECOMMENDATION TO COUNCIL AS TO THE APPROVAL OF BOND EXPENDITURES FOR THIS YEAR.

COLE: AND I'LL SECOND.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECOND BY COUNCIL MEMBER COLE, TO POSTPONE ITEMS 12 AND 13 TO MARCH 1, 2007. COUNCIL MEMBER --

IT WAS COUNCIL MEMBER MARTINEZ THAT MADE THE MOTION.

MAYOR WYNN: SORRY. RUSTY. SO AGAIN, MOTION TO SECOND ON THE TABLE TO POSTPONE ITEMS 12 AND 13 TO THURSDAY, MARCH 1, 2007. FURTHER COMMENTS? HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THANK YOU VERY MUCH. COUNCIL, I BELIEVE THAT ACTUALLY GETS US THROUGH ALL OF OUR POTENTIAL DISCUSSION ITEMS. WE HAVE ABOUT 12 MINUTES OR SO BEFORE OUR NOON GENERAL CITIZEN COMMUNICATIONS, BUT PERHAPS WE COULD TAKE UP ONE OF THE ITEMS BRIEFLY. I DON'T KNOW IF THAT'S THE CASE OR NOT. SO I'LL GO AHEAD AND JUST ANNOUNCE THAT WE WILL NOW GO IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, TAKE UP POTENTIALLY ITEMS 37 RELATED TO THE LOST CREEK MUD AND ITEM 39 -- I'M SORRY, YES, 38, SORRY IS THE LOST CREEK MUD AND 39 RELATED TO GOVERNMENT AND OFFICIAL IMMUNITY. WE ALSO MAKE TAKE UP PURSUANT TO 551.086, ITEMS

RELATED GENERALLY TO AUSTIN ENERGY. THOSE WOULD BE ITEMS POST TD AS 40, 41, 42 AND 43, AND WE MAKE TAKE UP A REAL ESTATE MATTER PURSUANT TO SECTION 551.072, ITEM 44 RELATED TO OPEN SPACE ACQUISITION. SO TECHNICALLY WE'RE NOW IN CLOSED SESSION BUT I DO ANTICIPATE US COMING RIGHT BACK OUT AT NOON TO TAKE UP OUR GENERAL CITIZEN COMMUNICATION. THANK YOU.

WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION, WE WERE ONLY TO TAKE UP ONE ITEM, ITEM NO. 39 RELATED TO GOVERNMENTAL AND OFFICIAL IMMUNITY. NO DECISIONS WERE MADE. BACK IN OPEN SESSION. A LITTLE BIT LATE FOR OUR GENERAL CITIZENS COMMUNICATION, OUR FIRST SPEAKER IS CAROLANNEROSE KENNEDY, CAROLANNEROSE KENNEDY KENNEDY. TO BE FOLLOWED BY CRIAG PLACKIS. SORRY IF I'M MISPRONOUNCING THAT, CRAIG. JEFF JACK, WELCOME, MR. JACK, FOLLOWED BY LORI C. ENTERIA LORI C. ENTERIA.

MAYOR, COUNCILMEMBERS I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION, I ADDRESSED YOU ABOUT SOME CODE ISSUES, SINCE THEN I HAVEN'T HAD RESPONSE TO ANY OF THOSE QUESTIONS FROM CITY STAFF. TODAY I DECIDED MAYBE IT WAS MY FAULT BECAUSE I DIDN'T WRITE THEM DOWN. NOW I HAVE WRITTEN THEM DOWN. I WANT TO START OFF WITH THE TOP ISSUE BARTON SPRINGS ROAD, THIS MAP WILL GIVE YOU AN INDICATION OF WHERE IT IS. THIS IS LAMAR, BARTON SPRINGS ROAD, VILLAS OF LOST CANYON. WE RECEIVED INDICATION ON OCTOBER 10th ABOUT A -- ABOUT AN ADMINISTRATIVE SITE PLAN FOR THAT PROJECT. FIRST PHASE IS BUILT, SOME OF THE FOUNDATIONS FOR THE SECOND PHASE BUILDINGS WERE PERMITTED, BUT THIS SITE PLAN WAS FOR THE CONSTRUCTION OF THE SECOND PHASE BUILDINGS. I RECEIVED A CALL FROM AN ADJACENT PROPERTY OWNER CONCERNED ABOUT THE PROJECT, I WENT DOWN AND LOOKED AT THE SITE PLAN SUBMITTAL.

WHEN I LOOKED AT IT, THERE WERE SEVERAL

QUESTIONS REGARDING ISSUE OF AVAILABLE INFORMATION ON THE SUBMITTAL, BEING ABLE TO DETERMINE WHETHER THESE BUILDINGS MET COMPATIBILITY STANDARDS. THE CASE MANAGER, LINDA COURT KNEE, I BROUGHT MY ATTENTION TO HER WITH REGARD TO THE INADEQUACIES IN THE SUBMITTAL, POINTED OUT TO HER THE WAY THE HEIGHT OF THE BUILDINGS WERE CORRECT. SHE ACKNOWLEDGED THAT, SAID THAT SHE WOULD TEND TO IT. TAIVMENT I WENT OVER -- AT THE SAME TIME I WENT OVER TO THE SAY THE, LOWE..... LO AND BEHOLD, THIS IS WHAT I FOUND, THE BUILDINGS FRAMED UP WITHOUT AN APPROVED SITE PLAN. I TALKED TO THE DEVELOPER, STANDING THERE AT THE CAR, NED HEISER, ASKED HIM HOW IT WAS POSSIBLE THAT THEY WERE BUILDING THE BUILDINGS WITHOUT AN APPROVED SITE PLAN. I WAS TOLD THAT THEY HAD A CONVERSATION WITH THE CITY ATTORNEY AND THE CITY ATTORNEY TOLD THEM THAT THEY COULD GO AHEAD WITH THE PROJECT WITHOUT THE APPROVED SITE PLAN. SO THAT GIVES YOU THE BASIS FOR THE QUESTIONS. ON 1529 BARTON SPRINGS. HOW DID THIS HAPPEN? HOW COULD THEY BE UNDER CONSTRUCTION, FRAMED OUT, WITHOUT AN APPROVED PLAN? WELL, MOVING ON TO THE NEXT ISSUE, WHICH IS 2409 ANN ARBOR, ONE OF THE CASES THAT I BROUGHT UP LAST TIME. A SITE SUBDIVIDED INTO TWO FLIGHT LOTS, A FRONT LOT AND A BLACK LOT. THE QUESTION WITH REGARD TO THE IMPERVIOUS COVER AND APPROVAL OF THE SITE PLAN. WITH THE TREE IN THE MIDDLE OF THE DRIVEWAY. SINCE THAT TIME, I UNDERSTAND THE CITY ARBORIST HAS BEEN OUT THERE AND APPROVED THIS SOLUTION TO THE ISSUE OF THE TREE IN THE MIDDLE OF THE DRIVEWAY. THEY BUILT THE DRIVEWAY AROUND THE TREE. UNFORTUNATELY YOU CAN'T GET INTO THE PARKING GARAGE. SO THERE'S A LOT OF QUESTIONS WITH REGARD TO THAT PROJECT, HOW COULD THAT BE [BEEPING] APPROVED MEETING THE PARKING REQUIREMENT OF HAVING SIX PARKING SPACES FOR THIS DUPLEX. IT ALSO BRINGS UP THE ISSUE OF IMPERVIOUS COVER. IN THIS PARTICULAR PROJECT THERE WAS A -- THERE WAS AN ADDITIONAL IMPERVIOUS COVER ISSUE THAT THEY HAD TO GO

BACK AND TAKE OUT THE DRIVEWAY IN ORDER TO PUT IN A RIBBON DRIVE. WHICH YOU CAN SEE HERE. BUT THEY ALSO HAD TO COME IN AND SETTLE AN ISSUE WITH A LAWSUIT WITH THE ADJACENT PROPERTY OWNER AND BUILT A RETAINING WALL ON THE BACK OF THE SITE THAT WASN'T INCLUDED IN THE IMPERVIOUS COVER CALCULATIONS. SO THIS PROJECT IS WAY OVER WHAT IS PERMITTED BY THE CODE. AND AGAIN RAISES ALL OF THE QUESTIONS THAT YOU SEE ON MY LETTER THERE. THE NEXT QUESTION WAS WHETHER THE DEDICATED PARKLAND FEE WAS PARTICULARLY PAID FOR THAT PARTICULAR PROJECT. I THINK THAT I AM OUT OF TOWN.

Mayor Wynn: YOU ARE. I WANTED TO MAKE SURE THAT YOU HAD ANOTHER CHANCE TO FINISH.

ANOTHER PROJECT.

Mayor Wynn: REAL QUICKLY, PLEASE.

THIS IS AN ISSUE THAT I TALKED ABOUT LAST TIME. THIS WAS A DUPLEX, THERE WAS A NON-CONFORMING USE, THE BUILDING WAS TORN DOWN. THEY ARE ALLOWED TO BUILD THAT DUPLEX. THEY WERE ALLOWED TO CONTINUE THE NON-CONFORMITY TO AN EXTENT AS SHOWN IN THIS DIE GRAM THAT I SHOWED YOU LAST TIME. THE QUESTION HERE IS HERE IS A GARAGE APARTMENT ABOUT THREE BLOCKS AWAY, AN EXISTING OLD GARAGE THEY WANTED TO BUILD AN APARTMENT, A GARAGE APARTMENT AND THE CITY STAFF WOULD NOT ALLOW THEM TO DO THAT EVEN THOUGH THEY WERE RETAINING THE STONEWALL AND FORCED THEM TO MOVE THE BUILDING BACK WHILE IN THIS OTHER EXAMPLE THEY WERE ALLOWED TO BUILD IT IN THE ORIGINAL FOOTPRINT. I WAS WONDERING HOW WE COULD HAVE SUCH A DIFFERENT INTERPRETATION OF THE CODE IN SUCH CLOSE PROJECTS IN OUR NEIGHBORHOOD.

THANK YOU. MS. HUFFMAN I WOULD APPRECIATE IT IF STAFF IN SOME FORMAT COULD GET THESE QUESTIONS ANSWERED, MEMO FORM PERHAPS TO

COUNCILMEMBERS, WHICHEVER WAY YOU PREFER.

WE WOULD BE HAPPY TO DO THAT. I KNOW ON THE FIRST ISSUE THAT MR. JACK RAISED WE DO HAVE STAFF HERE TO TALK ABOUT IT. I'M NOT SURE ABOUT THE SECOND ISSUE HE RAISED. TAMMIE WILLIAMSON IS HERE FROM THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT TO TALK ABOUT THE KINNEY PROJECT.

Mayor Wynn: WITHOUT OBJECTION, IF WE SAVE THAT UNTIL WE GET THROUGH THE CITIZENS HERE TO SPEAK, WE CAN DETERMINE HOW MUCH TIME WE WANT TO SPEND ON THAT, DO IT IN WRITING OR HAVE IT DONE HERE.

THANK YOU.

LORI RENTERIA, WELCOME, YOU WILL HAVE THREE MINUTES, FOLLOWED BY PAT JOHNSON.

THANK YOU, MAYOR AND COUNCILMEMBERS. MY NAME IS LORI, CHAIR OF THE EAST NEIGHBORHOOD CESAR CHAVEZ PLANNING TEAM. FOR THE LAST TWO YEARS AND FIVE MONTHS WE HAVE BEEN FIGHTING ON OUR OWN A TDCJ CONTRACT TO SERVE SERIOUS FELONS WHO WOULD NOT BE RELEASED FROM PRISON UNLESS THEY HAD A BED IN SOMEBODY'S NEIGHBORHOOD TO COME TO. WE ARE HERE TODAY TO ASK US SPECIFICALLY FOR TWO THINGS, HELP FROM THE LEGAL DEPARTMENT WITH OUR FREEDOM OF INFORMATION REQUEST. THAT THE ATTORNEY GENERAL HAS DENIED US BASED ON TRADE SECRETS. SECONDLY TO DIRECT YOUR LEGAL LOBBYISTS, YOUR CONSULT TANS WHO ARE WORKING -- CONSULTANTS WHO ARE WORKING LEGISLATIVE ISSUES AT THE CAPITOL SO THEY CAN ASSIST US IN MAKING CHANGES IN TDCJ AS THE LEGISLATURE TALKS ABOUT THROWING SIX THOUSAND MORE FELONS INTO NEIGHBORHOOD BASED PROGRAMS. I HAVE GIVEN YOU A PACKET OF INFORMATION THAT HAS OUR -- OUR -- LEE IS GOING TO PASS IT DOWN FOR YA. YOU CAN SEE IN THERE THAT THE RULE HAS CHANGED AND IN OCTOBER OF 2004 THE CITY COUNCIL WAS GIVEN A LETTER AND

THE ONLY WAY TO STOP A TDCJ FACILITY FROM COMING INTO A NEIGHBORHOOD IS IF THE CITY COUNCIL, COMMISSIONERS COURT OR AISD SCHOOL BOARD OBJECTS TO THE LOCATION OF THE FACILITY. THAT'S A MAJOR CHANGE. WHEN THE UP TO ME PROJECT TRIED TO MOVE INTO THE ALLENDALE NEIGHBORHOOD, THEY CAME DOWN HERE TO CITY COUNCIL AND AT THAT TIME TDCJ CONSIDERED SUBSTANTIAL COMMUNITY OPPOSITION ENOUGH TO NOT LOCATE A FACILITY. BUT NOW THEY HAVE CHANGED THE RULE AND YOU ARE THE ONLY ONE THAT CAN STOP THESE. SO YOU NEED TO BE DILIGENT AND AS THE LEGISLATURE TRIES TO THROW THESE PROGRAMS INTO NEIGHBORHOODS, IT'S YOUR DUTY AND RESPONSIBILITY TO CONTACT THE NEIGHBORHOODS AND LET US KNOW AND THEN OBJECT FORMALLY ON OUR BEHALF. SO WE ARE HERE DESPERATELY SEEKING YOUR DIRECTION TO THE LEGISLATIVE LOBBY CONSULTANTS AND THE LEGAL DEPARTMENT TO SIT DOWN AND WORK WITH US. LASTLY, I WOULD LIKE TO SAY OVER THE PAST TWO YEARS AND FIVE MONTHS, WE HAVE RECEIVED GREAT SUPPORT AND MEDIATION SERVICES WITH THE HOUSING DEPARTMENT AND EAST SIDE ENVIRONMENTAL INITIATIVE AS WELL AS THE -- THE CODE ENFORCEMENT DEPARTMENT. I WOULD ESPECIALLY LIKE TO THANK THE CITY MANAGER FOR CHANGING THE WAY CODE ENFORCEMENT WORKS [BEEPING] AND NOW KIP CAMPBELL AND HIS CREW, GEOGRAPHICALLY ASSIGNED TO OUR AREA, HAVE HELPED US DEAL WITH SOME OF THE CODE AND ILLEGAL OPERATIONS THAT ARE HAPPENING AT THAT FACILITY. THEY ARE MY FAVORITE CITY DEPARTMENT RIGHT NOW AND I WOULD LIKE TO THANK THEM VERY MUCH.

Mayor Wynn: THANK YOU, LAURIE. PAT JOHNSON. WELCOME, PAT. I'M SORRY, COUNCILMEMBER MARTINEZ?

I WAS JUST LOOKING AT THIS CRIME REPORT AND ONE OF THE I GUESS FACILITIES IN QUESTION IS 1711 EAST CESAR CHAVEZ, THE PUSH UP FOUNDATION.

THAT'S WHERE THE TDCJ PROGRAM IS OPERATING.

I REALIZE THAT. I LIVE THREE BLOCKS DOWN THE STREET FROM THIS. THE BIGGER CONCERN IS WHAT'S AT 1700 EAST CESAR CHAVEZ BECAUSE THERE'S ABOUT 15 MORE.

COUNCILMEMBER, THAT'S ONE OF FIVE PAGES. THERE WERE 185 ARRESTS FOR DRUGS, PROSTITUTION, ALCOHOL CONSUMPTION, AGGRAVATED ASSAULT, THEFT, BURGLARY, I MEAN IT'S THE -- IT'S THE THIRD HIGHEST HOT SPOT OPEN AIR DRUG MARKET IN THE WHOLE CITY. THIS IS NOT AN APPROPRIATE LOCATION FOR EX-OFFENDERS WHO ARE TRYING TO GET SOBER SNOORZ BUT.....

Martinez: BUT ARE WE DIRECTLY ATTRIBUTING ALL OF THAT CRIME TO THIS FACILITY OR THE 17 -- THE FACILITY IS LOCATED AT 1711.

THERE WERE EIGHT OFFENSES AT THAT FACILITY, INCLUDING A DEAD PERSON.

Martinez: CORRECT. THERE APPEARS TO BE MORE THAN 20 OR SO AT THE 1700 BLOCK. I'M WONDERING IF THAT IS A BEFORE OR ANOTHER FACILITY WHERE IT APPEARS THAT MORE CRIME IS OCCURRING THAN AT THE PUSHUP FOUNDATION. I'M TRYING TO FIND OUT --

NO IT'S -- THAT WHOLE LITTLE CORNER THERE HAS BEEN DOING -- THE A.P.D. HAS BEEN WORKING WITH US AND -- AND STREET RESPONSE AND THEY JUST KEEP MOVING AROUND. WE'VE EVEN LOST THE -- THE BENCH AT THE BUS STOP AS A WAY TO KEEP THE CRACK HEADS FROM GATHERING AT OUR BUS STOP AT THAT LOCATION.

Martinez: THANKS, MAYOR. I WANT TO -- CHIEF McDONALD ASK THAT HE AND I FOLLOW UP AT THIS POINT AS IT RELATES TO THIS PARTICULAR BLOCK AREA, SEE IF THERE'S SOMETHING WE CAN DO TO HELP THE CRIME ALONG THAT STREET.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AND MS. RENTERIA. PAT JOHNSON. WELCOME BACK, YOU

ARE LOOKING WELL.

BACK AFTER SURGERY. EVERYTHING WAS A SUCCESS. THE AUSTIN CITY MANAGER'S..... CITY..... CITY MANAGER'S OVERTURNED A ... CONVICTED CHILD MOLESTER AND REGISTERED SEX OFFENDER. THIS CONVICTED CHILD MOLESTER WHOSE CRIME WAS INDECENCY WITH A CHILD BISEXUAL CONTACT INVOLVED A 12-YEAR-OLD FEMALE AND IS EMPLOYED BY 620 LAKESIDE TOWING, A LOCAL TOWING COMPANY WHOSE OWNER IS A BOARD MEMBER TO THE AUSTIN TOWING ASSOCIATION. I SERIOUSLY DOUBT THAT NO FEMALE CITIZENS WOULD WANT TO BE RIDE IN THIS A TOW TRUCK WITH A CONVICTED CHILD MOLESTER. BUT THE CITY MANAGER'S OFFICE SEEMS TO THINK THAT YOU AND YOUR CHILD IS -- YOUR SAFETY IS NOT AN ISSUE. THIS CONVICTED CHILD MOLESTER COULD BE SUMMONED BY THE POLICE OFFICER TO TOW YOUR VEHICLE IF IT'S INVOLVED IN A COLLISION OR EVEN A SERVICE CALL, YOU AND YOUR DAUGHTER COULD BE GIVEN A RIDE HOME BY HIM. IT'S MY OPINION THAT THE CITY MANAGER'S OFFICE WAS WRONG TO OVERTURN A.P.D. AND ISSUING A WRECKER LICENSE TO A CONVICTED CHILD MOLESTER. A.P.D. IS TRYING TO PROTECT THE PUBLIC FROM THIS CHILD MOLESTER, BUT THE CITY MANAGER'S INVOLVEMENT PROHIBITING THEM FROM IT. COUNCIL, OTHER CITIES ACROSS THE COUNTRY USE AUSTIN AS A MODEL FOR REGULATING THEIR TOWING COMPANIES AND THEIR WRECKER DRIVERS, THEIR CITIES. WE ARE SENDING THE WRONG MESSAGE TO EVERYONE ABOUT SEX OFFENDERS. WOULD YOU WANT TO BE RIDING IN A TOW TRUCK, MS. CAMPBELL WITH A CHILD MOLESTER? NO. NONE OF Y'ALL WOULD. WHY ARE WE PUTTING THE PUBLIC OUT THERE IN HARM'S WAY WITH THIS CHILD MOLESTER? I'M SURE THAT NONE OF Y'ALL BELIEVE IN CRYSTAL BALLS, I'M SURE THAT NOBODY CAN TELL YOU IF AND WHEN THIS SEX OFFENDER WILL REOFFEND. THERE'S NO CURE FOR SEX OFFENDERS. IT'S VERY IMPORTANT TO UNDERSTAND THE POLICE DEPARTMENT NEEDS TO HANDLE CRIMINAL ISSUES. THE CITY MANAGER'S OFFICE OR CIVILIAN EMPLOYEES.

CIVILIAN EMPLOYEES DO FOR THE NEED TO BE TELLING POLICE DEPARTMENT HOW TO HANDLE CRIMINAL INVESTIGATIONS. THIS MAN IS A REGISTERED SEX OFFENDER. AND A CHILD MOLESTER. I THINK WE ARE SENDING THE WRONG MESSAGE OUT THERE TO OUR CITIZENS, THE VERY SAME RULES ADOPTED BACK IN JUNE OF 2006 ARE BEING APPLIED FAIRLY. A REGISTERED SEX OFFENDER OR A PERSON WHO COMMITS A CRIME AGAINST A CHILD IN A SEXUAL FASHION IS DISALLOWED FROM BEING ISSUED A WRECKER LICENSE. OTHER WRECKERS HAVE BEEN DENIED. WHY IS IT THAT THIS SEX OFF DER HERE GETS DENIED. SENDING THE WRONG MESSAGE TO OUR CITIZENS. NOBODY HERE CAN GUARANTEE OUR CITIZENS THAT THIS CHILD MOLESTER WILL NOT REOFFEND. A.P.D. DOES NOT NEED TO BE CALLING A CHILD MOLESTER TO COME PICK UP ANY OF OUR CITIZENS, PERIOD. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. NEXT SPEAKER IS PAUL ROBINS. WELCOME PAUL, FOLLOWED BY SUSANA ALMANZA.

THANK YOU, MAYOR. I DROPPED THE T A LONG TIME AGO. I'M PAUL ROBBINS ENVIRONMENTAL ACTIVIST AND CONSUMER ADEQUATE. I'M HERE TO URGE A 30 DAY DELAY OF ITEM 5 SO THAT THE COUNCIL CAN HOLD A PUBLIC HEARING AND WORK SESSION REGARDING ISSUES RELATED TO A NEW COAL PLANT. I WAS SIGNED UP TO SPEAK AT ITEM 5. SO MANY OTHERS WERE AS WELL. MOST OF THEM HAD TO LEAVE BECAUSE THEY HAD NO IDEA WHEN IT WOULD COME UP, WHICH IS ANOTHER REASON FOR THE PUBLIC HEARING. I'M MORE STUBBORN, AND ALSO HAD THIS CITIZENS COMMUNICATION SPOT. I WILL -- I WILL GIVE PART OF THE SPEECH FOR -- THAT I WAS SAVING FOR ITEM 5. I THINK THIS WHOLE ISSUE IS BEING FRAMED IN SUCH A WAY AS TO MAKE COUNCIL LOOK IRRESPONSIBLE IF IT DOES NOT VOTE POSITIVELY TO -- TO ALLOW NEGOTIATIONS ON COAL PLANT LAND. THE COUNCIL WHO BEEN TOLD IF THESE NEGOTIATIONS ARE NOT AUTHORIZED TODAY, IT WILL CRIPPLE AUSTIN'S ABILITY TO PURCHASE A SITE THAT CONTAINS GEOLOGY SUITABLE TO SEQUESTER

CARBON DIOXIDE. AUSTIN ENERGY MAINTAINS THAT IT MUST COMPETE WITH LAND PURCHASES WORLDWIDE AND ANY DELAY COULD BE EXPENSIVE AND EVEN ENVIRONMENTAL RESPONSIBLE IF LAND CANNOT BE OBTAINED BECAUSE ALL SUITABLE SITES ARE ALREADY SOLD. LET ME REFRAME THE ISSUE. WHY DIDN'T AUSTIN ENERGY MAKE ITS INTENTIONS KNOWN A LONG TIME AGO. THE UTILITY COULD HAVE PUT A WORK SESSION IN A PUBLIC HEARING A YEAR AGO, GOTTEN INPUT FROM THE COUNCIL AND PUBLIC ON HOW TO PROCEED. THE ITEM ON THE AGENDA WOULD HAVE BEEN EXPECTED. THERE WOULD BE NO EMERGENCY. THEY COULD HAVE STARTED THE LAND NEGOTIATIONS SOME TIME AGO. BUT OF COURSE THIS PATH WAS NOT CHOSEN. INSTEAD THE UTILITY IS OPERATING IN NEAR SECRECY. I WILL SAVE OTHER COMMENTS FOR -- FOR ITEM 5, THANK YOU FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU, MR. ROBBINS, I WILL SAY THAT WE WILL A RELATIVELY LENGTHY EXECUTIVE SESSION RELATED TO ALL OF THE AUSTIN ENERGY ITEMS AND MY INSTINCT IS THAT IT'S GOING TO GO MID PERHAPS EVEN LATE AFTERNOON BY THE TIME WE TAKE THESE ITEMS UP. BUT APPRECIATE YOUR PATIENCE..... PATIENCE.

I'M PREVAILING ON YOU, I KNOW THIS MIGHT NOT BE POSSIBLE. IS IT POSSIBLE THAT YOU COULD GIVE ME A RELATIVE TIME.

Mayor Wynn: NO WAY TO KNOW HOW LONG COUNCILMEMBERS OR MYSELF HAVE ADDITIONAL QUESTIONS. WE STAY BACK THERE UNTIL WE FEEL SATISFIED THAT THE QUESTIONS HAVE BEEN ANSWERED.

VERY GOOD, THANK YOU.

Mayor Wynn: IT'S VERY DIFFICULT. I APOLOGIZE. LET'S SEE OUR NEXT SPEAKER IS SUSANA ALMANZA. SIGNED UP WISHING TO ADDRESS US AS DID RANDY CHUPIK. RANDY CHUPIK AND TOM RISHER. WELCOME, TOM. AND IN CASE THEY

ARRIVE LATE, CAROLANNEROSE KENNEDY AND/OR CRIAG PLACKIS CAN FOLLOW YOU. WELCOME.

GOOD DAY, MAYOR WYNN, CITY COUNCIL, I COME HERE TODAY AS A CITIZENS AS I RETIRED FROM A.P.D. AFTER 29 YEARS AS A DETECTIVE IN THE VEHICULAR HOMICIDE UNIT WITH AN UNSETTLED PET PEEVE. I WANTED TO ADD SOME INSIGHT TO LAST WEEK'S PRESENTATION ON TRAFFIC FATALITIES. I WILL CALL THESE CRASHES FOR WHAT THEY ARE. FOR YEARS WE HAVE HAD A NOTION THAT THESE CRASHES WERE A HORRIBLE ACCIDENT THAT COULD NOT BE PREVENTED. THIS WAS A MISTAKE IN THINKING. ALL CRASHES ARE PREVENTIBLE. WHAT HAPPENED -- THEY HAPPEN BECAUSE SOMEONE DOES NOT TAKE REASONABLE ACTION TO PREVENT THINGS FROM OCCURRING. I WOULD NOT BORE YOU WITH COUNTLESS STATISTICS, THOUGH I WILL TELL YOU A PERSON DIES ON OUR ROADWAYS EVERY 12 MINUTES. COMPARED TO A HOMICIDE EVERY 31 AND A HALF MINUTES. A FEW MONTHS AGO I WAS A DETECTIVE WITH A.P.D. TRYING TO GET SOMEONE TO LISTEN TO WHAT COULD PRODUCE A NUMBER OF LEAVING THE SCENE ACCIDENTS, FAIL TO STOP AND RENDER AID AND YES EVEN FATALITIES. HERE'S AN IDEA. IMPOUND VEHICLES FOR NO INSURANCE. THERE'S ALREADY A LAW THAT YOU MUST HAVE INSURANCE. LAW ABIDING DRIVERS MUST HAVE THE RIGHT TO BE PROTECTED FROM UNLICENSED AND UNINSURED MOTORISTS. TODAY AND EVERY DAY THE AUSTIN POLICE OFFICER STOPS A VEHICLE FOR A TRAFFIC VIOLATION. THE OFFICER THEN FIND OUT ON THE STOP THAT THE DRIVER DOES NOT HAVE A DRIVER'S LICENSE OR INSURANCE. THE OFFICER WILL THEN WRITE TICKETS AND DRIVE OFF. A.P.D. POLICY WILL NOT ALLOW THE OFFICER TO IMPOUND THE VEHICLE. SO WHEN THE OFFICER LEAVES, THAT UNINSURED, UNLICENSED MOTORIST THEN CAN GET BACK IN THAT CAR AND DRIVE OFF. THIS HAPPENED EVERY DAY. EVERY YEAR VEHICLES INJURED, MAMED, KILL MORE PEOPLE THAN GUNS DO. THEY CAN BE USED AS DEADLY WEAPONS AND CERTAINLY DO MORE DAMAGE. WHAT WILL -- WHAT AS A SOCIETY ARE WE DOING TO TAKE THESE VEHICLES AWAY FROM PEOPLE? WE

HAD 9127 LEAVING THE SCENE CRASHES AND FAIL TO STOP AND RENDER AID IN 2005. UNKNOWN FOR 2006. AS A DETECTIVE, I INVESTIGATED MANY LEAVING THE SCENE CRASHES. I FOUND FIVE BASIC REASONS WHY PEOPLE LEAVE THE SCENE OF THE ACCIDENT. THEY ARE INTOXICATED, THEY MAY HAVE WARRANTS, THEY DO NOT HAVE DRIVERS LICENSE. OR IT IS SUSPENDED. IN MOST ALL CASES IT'S A GIVEN THAT THEY DO NOT HAVE INSURANCE. WITH SO MANY LEAVING THE SCENE CRASHES DO THE MATH, MANY OF THESE DRIVERS ONLY HAVE A SLIGHT CHANCE OF GETTING CAUGHT. I FOUND THAT MANY OF THESE LEAVING THE SCENE VEHICLES HAVE BEEN ISSUED PARTICULARS TICKETS FOR NO TSH,. INSURANCE, SOME SOME CASES WITHIN THE LAST 24 HOURS. WHILE EVERYONE GRIPES BY GETTING HIT BY AN UNINSURED MOTORIST AND LEAVING THE SCENE THE ONES THAT ARE HURT MOST ARE THE LOWER INCOME STATUS, THEY DO NOT HAVE UNINSURED MOTORIST OR COLLISION BECAUSE THEY CANNOT AFFORD IT. WHEN AN UNINSURED MOTORIST HITS THEM THESE LOW INCOME DRIVERS ARE LEFT TO PAY OUT OF THEIR OWN POCKET FOR REPAIRS AND MEDICAL EXPENSES OR IN MOST CASES WE DO AT THE CITY OWNED BRACKENRIDGE OR PAY HIGHER INSURANCE RATES. SEVERAL CITIES IN TEXAS ALREADY ENACTED ORDINANCES IMPOUNDING VEHICLES FOR NO INSURANCE, IRVING, SAN ANTONIO, DALLAS, THEY NOT ONLY MAKE SURE THAT DRIVERS ARE INSURED BUT THEY ALSO PAY FOR THEMSELVES IN REVENUE. SAN ANTONIO PD ESTIMATED INCOME OF REVENUE GENERATED FOR NO INSURANCE VEHICLES TO BE APPROXIMATELY \$1.8 MILLION. SINCE WE DO NOT HAVE AN IMPOUND, CITY LOT, WHICH IS ANOTHER ISSUE, WE CANNOT DEPEND ON THIS AMOUNT OF REVENUE. BUT FOR EVERY VEHICLE TAKEN OFF THE STREETS FOR NO INSURANCE, THIS WILL RESULT IN KNOWING THAT THIS VEHICLE WILL NOT BE INVOLVED IN A LEAVING THE SCENE COLLISION OR A TRAFFIC FATALITY. THIS ORDINANCE CAN MAKE THE STREETS SAFER. POSSESSING INSURANCE IS ALREADY A LAW THAT IS NOT TAKEN SERIOUSLY. DO NOT ALLOW UNINSURED AND UNLICENSED PEOPLE TO CONTINUE ON DRIVE A CAR OFF AFTER

RECEIVING VIOLATIONS FOR IT. THIS CITY AND THE -- THE DEPARTMENT IS OPEN TO A LAWSUIT WHEN A VIOLATOR THAT IS JUST -- BEEN TICKETED FOR NO INSURANCE AND NO DRIVER'S LICENSE DRIVES OFF CRASHING INTO SOMEONE RESULTING IN DEATH OR INJURY. THE DRIVERS OF AUSTIN NEED YOU TO DO SOMETHING THAT CAN HAVE A POSITIVE EFFECT ON THE COMMUNITY AS A WHOLE AND IMPLEMENT AN ORDINANCE TO IMPOUND VEHICLES FOR NO INSURANCE. PLEASE REMOVE THESE UNINSURED, UNLICENSED MOTORISTS OFF OF OUR STREETS BY TAKING THEIR CARS AWAY. IF YOU DO NOT IMPLEMENT THIS ORDINANCE DON'T BELLY ACHE TO THE POLICE DEPARTMENT NEXT TIME YOU OR A FAMILY MEMBER IS HIT BY A LEAVING THE SCENE OR UNINSURED VEHICLE MUCH CRASHES HAPPEN BECAUSE SOMEONE DOES NOT TAKE REASONABLE ACTION TO PREVENT THESE FROM OCCURRING. PLEASE DO YOUR PART. REMEMBER DRIVING IS A PRIVILEGE AND NOT A RIGHT.

Mayor Wynn: THANK YOU, TOM. I WOULD LIKE TO PERHAPS TO PERHAPS GET A FOLLOW-UP AND CERTAINLY LOOK AT OTHER PRACTICES AND MAKE SENSE TO ME.

I HAVE A MEMO I WROTE LAST YEAR AS WELL AS OTHER ORDINANCES WITH OTHER DEPARTMENTS.

Mayor Wynn: YOU ARE WELCOME TO LEAVE IT WITH US, THANK.

MAYOR I ASKED MY STAFF MEMBER TO GET HIS INFORMATION SO THAT WE COULD TALK TO HIM, POSSIBLY HAVE HIM COME BACK AND PROVIDE INPUT TO THE PUBLIC SAFETY TASK FORCE.

Mayor Wynn: GREAT, THANK YOU COUNCILMEMBER. THANK YOU, MR. RISHER. AGAIN, HAS CAROLANNE ROSE KENNEDY OR CRIAG PLACKIS JOINED US? CAROLANNE WELCOME, THREE MINUTES.

WELCOME BARK, COUNCIL. HOW COME YOU CAN'T READ THAT? THANK YOU ALL FOR HAVING ME. I'M

VERY DISCOMBOBULATED TODAY. STATE OF THE UNION ADD-DRESS. I ROCK AND YOU RAN, HELL NO, PLEASE DON'T GO. MY WORDS ARE THRIB RATTILY DIRECTED TO OUR SONS AND DAUGHTER, ALL OF WHOM ARE DARKER THAN THE SKIN ON MY PALE FACE AND THE BEHIND KNEE OF THAT SON OF A BUSH LIVING, WORKING, QUESTION, FAR NORTHEAST OF TEXAS ON THAT WHITE PLANTATION. RUN THE QUEEN OF THE HILL, I INTENT TO PAINT THE PILLARS PINK. WE THE PEOPLE NEED SOME COLOR AND SOME SEX IN THAT STUFFED WHITE SHIRT'S TEMPORARY HOUSING. HELL NO, PLEASE DON'T GO. I NEED YOU HERE ON THE HOMEFRONT TO PUT YOUR HIGH SCHOOL AND COLLEGE EDUCATION TO WORK. HELL NO, PLEASE DON'T GO. YOUR INFANT NEEDS YOU FOR EVERY OTHER 2:00 FEEDING. IF YOU ONLY HAD THE BREASTS TO DO IT. YOUR DAUGHTER NEEDS YOU TO FIX HER BIKE SO SHE CAN DITCH THOSE TRAINING WHEELS. YOUR SON NEEDS TO LEARN HOW NOT TO THROW LIKE A GIRL. THE NEIGHBOR NEEDS YOU TO WALK HER DOG WHILE YOU PATROL HER STREETS LOOKING FOR YESTERDAY'S BURGLAR. YOUR GREAT UNCLE BUBBA BELIEVES THAT YOU CAN -- YOUR GREAT UNCLE BUBBA BELIEVES THAT YOU CAN KEEP HIM FROM GOING BACK TO THAT SORRY NURSING HOME: YOUR PROFESSOR NEEDS YOU TO TEACH HER CLASS WHILE SHE RUNS OFF TO GET MARRIED. YOUR WIFE NEEDS YOU TO COOK DINNER UNTIL THEY TAKE THE STITCHES OUT. CALIFORNIA AND SAN ANTONIO NEED YOU TO FIGHT THAT HIGH FALUTIN FEDERAL MULCH FIRE BECAUSE SMOKY THE BEAR DIED WHEN I WAS YOUR AGE. NEW ORLEANS AND MISSISSIPPI NEED YOU TO BEGIN TO PIECE TOGETHER THEIR MINDS AND SOULS AND BODIES AND FAMILIES. OH, I FORGOT SOMETHING! TO THE KIDS, OUR SONS AND DAUGHTERS. I COULDN'T FIND YOUR NUMBER AND YOU NEVER CALLED ME BACK. I WAS IN THE SHOWER AND YOU WERE IN IRAQ. THEN I STARED AT THE CLOUDS ABOVE ME AND THE RAILROAD TRACK, SO I'LL MEET YOU AT THE SUNRISE AND I'LL SLEEP UNDER YOUR STARS, I WILL MEET YOU IN THE HEAVENS WHEN OUR PRESIDENTS RAISE THE FREE DOT KING BARS. WHERE WAS I? FLORIDA NEEDS -- NEW ORLEANS AND MISSISSIPPI NEED YOU TO BEGIN TO

PIECE TOGETHER THEIR MINDS AND SOULS AND BODIES AND FAMILY. FLORIDA NEEDS YOU AND YOUR GO ARMY TO OVERHAUL ITS VOTING APPARATUS. NEW YORK NEEDS YOU TO MAN THE STATUE OF LIBERTY. TEXAS NEEDS YOU TO MAN THE BORDER. HELL NO, PLEASE DON'T GO. [BEEPING]

ONE MORE MINUTE, PLEASE? I'M BEGGING.

Mayor Wynn: PLEASE CONCLUDE. YES.

THANK YOU. YOUR DAD NEEDS YOUR ENGLISH SPEAKING SKILLS TO KEEP TACO CABANA, JACK IN THE BOX FROM SING. CITY WIDE STARBUCKS NEED YOUR CAFFEINE FLAVOR OPINION FEATURE ON FRIDAY AND MONDAY. YOUR BANK NEEDS YOUR BOTTOM DOLLAR FOR ITS TRIP TO THE GREATEST DEPRESSION. H.E. BUTT NEEDS YOUR BUDWEISER DELIVERY FOR THE SUPERBOWL XLI. THE UNITED POSTAL SISTERS WOULD PREFER CHOCOLATE AND ROSES INSTEAD OF TOE TAGS. YOUR BEST DESK BUDDY NEED YOUR TABOULI FOR THE BOARD MEETING. HELL NO, PLEASE DON'T GO. ONE MORE THING, YOUR MOTHER NEEDS YOU TO CHANGE YOUR DIAPER, BUT IF YOU ARE IN IRAQ OR IRAN YOU CAN CALL CAROLANNEROSE KENNEDY AT CU 1 KENNEDY. THAT'S OUT OF HOUSTON, I AM A PROBLEM. THANK YOU.

Mayor Wynn: THANK YOU, AGAIN, HAS CRIAG PLACKIS, SUSANA ALMANZA OR RANDY CHUPIK JOINED US? ALL WHO WANTED TO ADDRESS US. THANK YOU ALL VERY MUCH. SO COUNCIL, THAT CONCLUDES OTHER GENERAL CITIZENS COMMUNICATION. WE WILL GO BACK INTO CLOSED SESSION AS I ANNOUNCED EARLIER -- I WILL READ IT ALL OVER AGAIN. TO TAKE UP POTENTIALLY PURSUANT TO SECTION 551.071 ITEM 38 RELATED TO LOST CREEK M.U.D., PURSUANT TO SECTION 551.086 WE MAKE TAKE UP AUSTIN ENERGY RELATED ITEMS 40, 41, 42 AND 43. AND THEN PURSUANT TO SECTION 551.072 WE MAY TAKE UP REAL ESTATE MATTER ITEM NO. 44 RELATED TO ACQUISITION OF OPEN SPACE. WE ARE NOW IN CLOSED SESSION, I ANTICIPATE THIS BEING A LENGTHY CLOSED SESSION, LIKELY WE WON'T BE BACK HERE ON THE

DAIS UNTIL MID TO LATE AFTERNOON. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. WE ARE OUT OF CLOSED SESSION. I APOLOGIZE, IT WAS A LENGTHY, BUT VERY NECESSARY CLOSED SESSION AGENDA. WE TOOK UP ITEM 38 RELATED TO LOST CREEK M.U.D., 39 RELATED TO, AS WE SAID EARLIER, RELATED TO GOVERNMENT A.M. IMMUNITY. WE ALSO TOOK UP A SERIES OF AUSTIN ENERGY ITEM, 40, 41, 42 AND 43. AND THEN LASTLY WE TOOK UP ITEM NUMBER 44, A REAL ESTATE MATTER RELATED TO OPEN SPACE. AND WITH THAT WE'LL WELCOME MS. JUNEY PLUMBER FOR ITEM NUMBER 45.

MAYOR AND COUNCIL, MY NAME IS JUNEY PLUMBER, REAL ESTATE SERVICES DIVISION, PUBLIC WORK. TODAY'S ITEM IS AN ADDITIONAL STEP TO RECEIVING A FEDERAL GRANT FROM THE NATURAL RESOURCE CONSERVATION SERVICE DEPARTMENT OF AGRICULTURE. IT IS ALSO AN ADDITIONAL STEP TO FURTHERING OUR PUBLIC-PRIVATE DOLLARS. TODAY WE'RE TALKING ABOUT A GRANT FROM NRCS IN THE AMOUNT OF 1,975,000, WITH A CHARITABLE CONTRIBUTION FROM THE SELLER IN THE AMOUNT OF 950,000. HILL COUNTRY CONSERVANCY IS OUR PARTNER IN THE GRANT. THEY WILL CONTRIBUTE AND THE CITY WILL CONTRIBUTE 562,500 FOR A TOTAL APPRISE PRAIZED VALUE OF THIS EASEMENT OF 3,950,000. THE OWNER OF THIS PARTICULAR TRACT IS THE HISTORIC GIBSON TEXAS UTILITY COMPANY. IT IS 497.65 ACRES. IT IS LOCATED OFF OF RANCH ROAD 150 IN HAYS COUNTY. IT IS IN THE BARTON SPRINGS CONTRIBUTING ZONE LOCATED ALONG ONION CREEK. AS PART OF THIS GRANT TODAY WE'LL COMPLETE OVER \$4.7 MILLION CONTRIBUTED BY THE FEDERAL GOVERNMENT TO HELP US ACCOMPLISH 16 CONSERVATION EASEMENTS AS PART OF THREE DIFFERENT PROJECT. THERE ARE STILL TWO OUTSTANDING ISSUES WITHIN OUR CS. THEY MUST STILL REVIEW AND APPROVE OUR APPRAISAL AND THEY MUST STILL APPROVE AND REVIEW OUR CONSERVATION EASEMENT. BUT TODAY'S ITEM FOR THE CITY OF AUSTIN IS 562,500,

RECEIVING A GRANT IN THE AMOUNT OF 1,975,000.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL, OTHER THAN A CONGRATULATIONS TO MS. PLUMMER FOR A CONSECUTIVE SERIES OF SUCCESSFUL OPPORTUNITIES FOR US HERE.

THIS IS OUR FOURTH GRANT.

Mayor Wynn: HEARING NO QUESTIONS, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 45. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM NUMBER 45 AS PRESENTED BY STAFF. FURTHER COMMENTS?

MAYOR AND COUNCIL, HAVE YOU A RESOLUTION ON THE DAIS WHICH REFLECTS THE, ITEM THAT MS. PLUMMER HAS BROUGHT TO YOU.

Mayor Wynn: CORRECT, THE GREEN PAPER. HEARING NO FURTHER COMMENTS, I'LL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSE SND MOTION PASSES ON A VOTE OF SIX TO ZERO.

Mayor Wynn: THANK YOU. SO COUNCIL, WE'VE GOT A LITTLE BIT OF CATCHING UP TO DO AND I APOLOGIZE FOR FOLKS WHO ARE HERE, RECOGNIZING THAT WE'RE BEHIND ON OUR AGENDA. THIS MORNING WE WERE SET TO HAVE A PRESENTATION OF THE SEAHOLM CONCEPTUAL DESIGN, SO AT THIS TIME HOPEFULLY STAFF AND OUR CONSULTANTS AND PARTNER CAN TEE THAT UP AND WE'LL HAVE THAT BRIEFING.

MAYOR AND COUNCIL, I'LL JUST BRIEFLY INTRODUCE THE ITEM AND OUR CONSULTANTS ON THIS TOPIC. BACK IN APRIL OF 2005 THE CITY COUNCIL CHOSE AS ITS PARTNER IN THE REDEVELOPMENT OF THE SEAHOLM POWER PLANT SOUTHWEST STRATEGIES ALONG WITH THEIR TEAM AS OUR PUBLIC-PRIVATE PARTNER FOR THIS

REDEVELOPMENT. THE VISION THAT THE COUNCIL HAS AND WE EXPRESSED IN THE RFQ -- AS A REMINDER, WE DID A REQUEST FOR QUALIFICATIONS FOR THE REDEVELOPMENT PROJECT AND WAIT THAT PROCESS WORKS IS WE WERE LOOKING FOR MOST QUALIFIED TEAM THROUGHOUT FOR THIS REDEVELOPMENT PROJECT. REDEVELOPING AN OLD POWER PLANT IS TRICKY IN ANY COMMUNITY AND WE WERE LOOKING FOR SOMEONE THAT HAD THE EXPERIENCE AND THE CREATIVITY TO BRING TO US A SUCCESSFUL PROJECT. WHEN YOU GO THROUGH THE RFQ PROCESS, YOU'RE REALLY SEEK THE MOST QUALIFIED CANDIDATE, SO WHAT YOU DO ONCE YOU FIND THAT GROUP IS THEY DEVELOP A PROPOSAL. SO FOR THE LAST YEAR --

Mayor Wynn: WE JUST LOST OUR CAMERAS BECAUSE NOW THEY'RE PHOTOGRAPHING THE HAIL OUTSIDE.
[LAUGHTER]

Mayor Wynn: I GUESS THEY'RE WORRIED ABOUT THEIR VANS OUT THERE. I'M SORRY, MS. HUFFMAN, GO AHEAD.

FOR DRAMATIC EFFECT. SINCE APRIL OF 2005, WHAT WE HAVE BEEN WORKING ON WITH OUR PARTNERS HAVE BEEN THE DESIGN OF A PROJECT, AND WE'RE EXCITED TODAY BECAUSE THE CITY COUNCIL HAS EXPRESSED SOME VERY AGGRESSIVE GOALS FOR THIS REDEVELOPMENT PROJECT AND WE'VE CHALLENGED THE SEAHOLM TEAM TO ADDRESS EACH OF OUR GOALS. AND JUST AS KIND OF A BASELINE AND A REMINDER TO FOLKS, THE KEY COMPONENT OF THIS PROJECT IS PRESERVING A DEPIECE OF AUSTIN'S -- KEY PIECE OF AFBL'S HISTORY AND THAT IS THE SEAHOLM BUILDING ITSELF. THAT IS A COMPLICATED PROJECT AND ONE THAT THIS TEAM HAS WORKED HARD ON. BUT YOU ARE ALSO LOOKING FOR A VIBRANT, MIXED USE PROJECT, SOMETHING THAT WOULD REANCHOR THE WESTERN END OF OUR DOWNTOWN. AND THEY'RE ALSO GOING TO SHOW YOU HOW THEY ACHIEVED THAT GOAL. AND FINALLY YOU WERE LOOKING FOR A DEVELOPMENT THAT ACCOMMODATED PEDESTRIANS, BICYCLES AND FUTURE RAIL FOR

OUR COMMUNITY. SO THIS IS AN OPPORTUNITY FOR THE CITY TO PARTNER WITH THE PRIVATE SECTOR AND REALLY DEMONSTRATE THE KIND OF MIXED USE, MULTIMODE AL TRANSPORTATION KINDS OF PROJECTS THAT WE TALK ABOUT SO OFTEN. SO WITH THAT I WILL INTRODUCE THE TEAM LEADER, JOHN RISOTTI, AND HE IS GOING TO SHOW YOU AND THE COMMUNITY THE INITIAL RENDERINGS OF THIS PROJECT. THANK YOU, JOHN.

Mayor Wynn: WELCOME.

THANK YOU, MAYOR, THANK YOU, COUNCILMEMBERS, ASSISTANT CITY MANAGER. MY NAME IS JOHN. I'M THE MANAGING PARTNER FOR SEAHOLM POWER LLC, AND I'M REALLY EXCITED TO BE HERE, EVEN THOUGH IT'S HAILING OUTSIDE. Y'ALL GOT A PACKET, AND ALONG WITH THE PACKET OF INFORMATION YOU HAD, THERE WAS A SOUVENIR STAMPED PIECE OF METAL THAT YOU RECEIVED, AND ON THAT METAL IS HAD TODAY'S DATE AND IT HAS OUR WEB ADDRESS, WWW.SEAHOLM.INFO. THIS IS THE WAY WE WILL KEEP THE PUBLIC INFORMED AS TO THE PROGRESS OF THE PROJECT. AND ONE CAN FIND HISTORIC PHOTOS, CURRENT FOAT AT PHOTOS AND FUTURE RENDERINGS AND HOPEFULLY PROGRESS PHOTOS AS THE PROJECT MOVES FORWARD ON THIS SITE ALONG WITH INFORMATION ABOUT RETAIL AND OFFICE LEWDING AND CONDOMINIUMS. I'D LIKE TO INTRODUCE SOME OF THE MEMBERS OF SEAHOLM POWER LLC. TXDOT VEEF REPRESENTING DESIGN COLLECTIVE FROM BALTIMORE IS HERE ALONG WITH AL BROUSSARD, OUR LANDSCAPE ARCHITECT. THEY WILL HELP ME WITH THIS PRESENTATION. OTHER HERE ARE KENT COLLINS OF CENTRAL PARTNERS, JEFF TRIGGER, DEALLY HERNDON AND DANNY ROTH, MY PARTNER IN SOUTHWEST STRATEGIES GROUP. ALSO OUR LOCAL ARCHITECTURAL PARTNER, STG, IS PRESENT. 22 MONTHS AGO THE SEAHOLM POWER LLC WAS SELECTED TO PLAN AND DEVELOP THE SEAHOLM POWER PLANT AND TO DEVELOP THE LAND SURROUNDING THE BUILDING. THIS IS A JOINT EFFORT BY THE DEVELOPER AND THE CITY TO SAVE THE IONIC SEAHOLM POWER BUILDING. THE

CHALLENGES ARE GREAT, BUT NOT INSUR MONTH ANNUAL AND WE HAVE WORKED WITH THE STAFF TO VALUE DAIS OUR FINANCIAL PLAN AND TO REVIEW ADJUSTMENTS TO THE SITE PLAN AND DESIGN. THE BASICS OF OUR DESIGN PRESENTED IN THE RFQ HAVE NOT CHANGED, BUT WE HAVE MADE MODIFICATIONS, IMPROVING THE DENSITY, AVAILABLE RETAIL SQUARE FOOTAGE AND THE INTERFACE WITH THIRD STREET. TOGETHER WITH OUR DESIGN TEAM AND RETAIL CONSULTANTS, WE CONTINUE TO DESIGN AND CRITIQUE THE PLAZAS AND THE SYNERGY BETWEEN THE BUILDINGS. WE FOLLOWED CLOSELY THE CAPITAL METRO CORRIDOR COUNCIL OF STATION STUDY AND ADJUSTED THE PLAN TO ACCOMMODATE THE RECOMMENDATIONS. THIS SLIDE ONE SHOWS YOU THE AREA AS IT IS TODAY AND THE LOCATION OF SEAHOLM. THE SEAHOLM SITE IS BETWEEN A FREIGHT RAIL LINE AND A LARGE ELECTRIC TRANSMISSION STATION. IT IS CUT OFF FROM DOWNTOWN BY THE TRANSMISSION STATION, A CREEK, A WATER TREATMENT PLANT AND A SEVERELY LIMITED BY THE CAPITOL VIEW CORRIDOR. BUT IN SPITE OF THESE TEMPERATURE IMPEDIMENTS, THIS BUILDING REZ SO NAITS IN THE HEARTS OF MANY CITIZENS. THIS BUILDING HAS AN IMPOSING DESIGN, AND FOR A TIME SERVED A THE CENTRAL LOCATION FOR ALL OF THE POWER GENERATION IN AUSTIN. QUITE SIMPLY, MAYOR, THIS BUILDING IS IN THE BEST LOCATION AND THE BEST DOWNTOWN AND THE BEST CITY AND N. THE BEST STATE, IN THE BEST COUNTRY IN THE WORLD. THE STATE PROVIDES THE WEST BOOK END OF THE SECOND STREET RETAIL DISTRICT WITH THE CONVENTION CENTER PROVIDING THE EAST BOOKEND. WITH THE REMOVAL OF GREEN WATER TREATMENT PLANT AND THE CONTINUATION OF SECOND STREET TO WEST AVENUE, SEAHOLM IS POSED TO BE THE FOCAL POINT FOR THE RETAIL DISTRICT. SEAHOLM WILL PROVIDE A GATHERING POINT FOR THE EMERGING SOUTHWEST DOWNTOWN NEIGHBORHOOD. WITHIN THREE YEARS, 5,000 PEOPLE WILL LIVE WITHIN A FIVE MINUTE WALK OF SEAHOLM. SEAHOLM WILL PROVIDE THE RESIDENTS WITH A SENSE OF BELONGING. THE FIRST TRUE NEIGHBORHOOD OF

DOWNTOWN. SEAHOLM IS ONE BLOCK FROM WHOLE FOODS, AND ALL OF THE NEW VENUES ON FIFTH AND SIXTH STREET. IT IS ALSO ACROSS THE STREET FROM ONE OF THE MOST VIBRANT DOWNTOWN HIKE AND BIKE TRAILS IN THE COUNTRY. THE SEAHOLM RESIDENTIAL TOWER IS LIMITED TO 22 STORIES. THIS IS A CONSCIOUS DECISION BASED ON A DESIRE TO AVOID OVERSHADOWING THE POWER PLANT BUILDING. WE WANT THE NEW BUILDINGS TO PROVIDE FINANCIAL SUPPORT FOR THE ORIGINAL BUILDING WHILE ASSURING COMPLIMENTARY AESTHETICS AND MASSING. THE NEXT SLIDE IS A PLAN VIEW THAT HIGHLIGHTS THE CONNECTIVITY OF SEAHOLM. THE CONVERGENCE OF A MAJOR ROADWAY, PEDESTRIAN AND BIKE PATHWAY, FUTURE COMMUTER RAIL AND LOCAL TRANSIT. THE FUTURE CONNECTION OF SECOND STREET ACROSS SHOAL CREEK COMPLETES THE DIRECT CONNECTION TO THE CONVENTION CENTER. THE EXTENSION OF WEST AVENUE FROM THIRD TO CESAR CHAVEZ HELPS COMPLETE THE DOWNTOWN GRID. THE SEAHOLM DRIVE CONNECTION FROM CESAR CHAVEZ TO THIRD AND THE CONNECTION TO SANDRA MEASURE ROAD DRIVE PROVIDES THE GRAND ENTRY TO THE PROJECT. DEDICATED PEDESTRIAN CROSSINGS AT SEAHOLM AND WEST TO THE HIKE AND BIKE TRAIL ALLOW FOR SAFE CONNECTION TO THE TRAIL. THE LANCE ARMSTRONG BIKEWAY CROSSES OUR FRONT YARD. PEDESTRIANS AND BICYCLISTS CAN CROSS UNDER THE RAILWAY, COMPLETING THE CONNECTION OF SOUTH AUSTIN ACROSS THE PFLUGER BRIDGE TO THIRD STREET AND BEYOND. THE COMMUTER RAIL PLATFORM IS PLANNED WEST OF THE SITE. ON THIRD STREET. THE CROSS TOWN CONNECTOR STREET CAR WILL STOP AT THE NORTHWEST EDGE OF SEAHOLM. THIS IS TRULY THE NEXT..... NEXUS OF ALL FORMS OF TRANSPORTATION. THE NEXT SLIDE REPRESENTS A PLANNED VIEW OF THE COMPLETED PROJECT. THE TOTAL PROJECT HAS ABOUT 500,000 GROSS SQUARE FEET. THE DEVELOPMENT WILL HOUSE OFFICE, RETAIL, RESTAURANT, ENTERTAINMENT, CONFERENCE SPACE AND A HOTEL CONDO TOWER. THE INITIAL MIX OF OFFICE AND RETAIL CAN VARY DUE TO MARKET DEMAND

AND ABSORPTION. ONCE IT'S COMPLETE WE WILL NUMBER A POSITION TO EXPLORE ALL THE POSSIBLE USES AND TO BEGIN ROD ACTIVE TALKS WITH INTERESTED PARTIES WE HAVE HAD TENTATIVE NEGOTIATIONS WITH. THE POWER BUILDING, THIS BUILDING WILL GO THROUGH A MAJOR TRANSFORMATION. RETAINING ESSENTIAL HISTORICAL.S WHILE INTRODUCING NEW LIGHT AND LIFE. WHAT MADE THIS BUILDING A GREAT POWER PLANT CONTRIBUTES TO THE CHALLENGE OF CONVERSION TO ANY OTHER USE. IT IS A 130,000 SQUARE FOOT BUILDING WITH TWO-THIRDS BELOW GRADE AS IS SHOWN IN THIS NEXT SLIDE. THE BUILDING IS VERY INEFFICIENT FOR ANY USE OTHER THAN INDUSTRIAL. A NEW ENTRY WILL BE CREATED, HOWEVER, ON THE WEST SIDE THAT WILL ALLOW ACCESS FROM SEAHOLM DRIVE INTO A SPACE OF 8,000 SQUARE FEET FOR LARGE EVENTS SERVED BY A COMMERCIAL KITCHEN. THE EVENT SPACE WILL BE OPERATED -- OPEN TO THE AREA ABOVE PROVIDING A DRAMATIC 70-FOOT HIGH CEILING. THIS LEVEL WILL ALSO SERVE OTHER HOTEL FUNCTIONS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] ... 160 HOTEL ROOMS, 60 CONDOS, TWO RESTAURANTS, 5,000 SQUARE FEET OF RETAIL. MANAGED BY [INDISCERNIBLE] HOSPITALITY HEADED BY JEFF TRIGGER. IT WILL PLAY A CRITICAL ROLE IN THE REBIRTH OF SEAHOLM'S SITE AND THE SUCCESS OF SEAHOLM. THE SEAHOLM PLAZA HOTEL, FEATURING TWO RESTAURANTS, A BAR, PAVILION, ROOMS FOR SPECIAL OCCASION GOES AND PRIVATE MEETINGS HEATED POOL AND FULL SERVICE SPA. THE CONDOS WILL SET ON THE UPPER FLOORS OF THE TOWER, WILL HAVE UNOBSTRUCTED VIEWS OF THE HILL COUNTRY AND LAKE AND WILL HAVE ACCESS TO ALL OF THE AMENITIES AN SERVICES OF THE HOTEL. SCOTT [INDISCERNIBLE] OF DESIGN COLLECTIVE WILL TAKE YOU THROUGH THE ARCHITECTURAL AND CLEAN GREEN BUILDING FEATURES OF THE PROJECT.

I WOULD LIKE TO ORIENT YOU ON THESE DRAWINGS THAT WE HAVE BROUGHT OVER HERE, IF I COULD. DO I NEED TO USE A MICROPHONE WITH THAT. CAN

I JUST WALK OVER THERE?

Mayor Wynn: YOU NEED TO USE THE HAND HELD, I BELIEVE.

I HAVE A POINTER, I WILL DO IT THAT WAY. ON THE RIGHT-HAND SIDE OVER HERE, YOU CAN SEE THAT OUR CONCEPTUAL PLAN, SEAHOLM ITSELF EXISTS RIGHT HERE. THIS IS THE CONDO AND HOTEL BUILDING THAT JOHN SPOKE OF. AND THESE TWO PIECES ARE OUR OFFICE AND RETAIL BUILDING HERE. SO CESAR CHAVEZ IS DOWN AT THE BOTTOM OF THIS PLAN, WEST AVENUE RUNS UP NORTH-SOUTH TO THIRD STREET, WHICH IS HERE, THIS IS THE FUTURE SEAHOLM DRIVE. SO THE VIEW THAT WE HAVE HERE, THIS AERIAL PERSPECTIVE IS ACTUALLY FROM THE SOUTHWEST. YOU SEE SEAHOLM HERE, THIS IS CESAR CHAVEZ, THIS IS WEST AVENUE THAT RUNS BEHIND OUR HOTEL AND RESIDENTIAL BUILDING HERE AND OUR TWO PIECE OFFICE RETAIL BUILDING HERE, WITH -- WITH THE FUTURE SEAHOLM DRIVE CONNECTING BACK DOWN TO CESAR CHAVEZ. THAT WILL JUST GIVE YOU SOME ORIENTATION AS TO WHAT THOSE DRAWINGS ARE REPRESENTING. AS YOU CAN SEE, THERE ARE MANY DISPARATE ELEMENTS TO RECOGNIZE. THIS WILL ULTIMATELY BE ONE OF THE GREATEST STRENGTHS OF RECONFIGURED AND REIMAGINED POWER PLANTSITE. WE ARE PREPARING THE TYPE OF MIXED USE DEVELOPMENT THAT CREATES A VITAL AND ACTIVE STREET SCAPE, ONE THAT IS CONSISTENT WITH THE CITY'S VISION OF A DYNAMIC 24/7 DOWNTOWN. DEVELOPING AN APPROPRIATE DESIGN AESTHETIC FOR THE SITE HAS BEEN CHALLENGING DUE TO THE NEED TO RECONCILE A DIVERSE MIXTURE OF BUILDING TYPES, STYLES, FUNCTIONS. HOW DOES ONE DESIGN A 22 STORY TOWER WITHOUT OVERWHELMING A TWO STORY BUILDING, CREATE A NEW ARCHITECTURE THAT IS DIFFER I CAN'T TELL WITHOUT -- PROVIDE FOR SERVICE ON A SITE THAT HAS NO BACK DOOR AND HOW DOES ONE KNIT TOGETHER THE CDB, WEST MARKET, SECOND STREET RETAIL CORRIDOR AND HIKE AND BIKE TRAIL SEAMLESSLY. WE BELIEVE WE WILL SUCCEED BY TREATING THEM AS THREE DISTINCT

ENTITIES, DESIGNING THEM IN A MANNER THAT IS APPROPRIATE TO THEIR INDIVIDUAL USE. GROUND LEVEL SPACES THAT WILL SUPPORT AN ACTIVE STREET LIFE WHICH WILL BE DISCUSSED MOMENTARILY. THE TWO STORY OFFICE RETAIL BUILDING RIGHT HERE CAN BE IDENTIFIED BY THE OVERSCALED GLASS PAVILIONS THAT MARK THE PRIMARY POINTS OF ENTRY INTO THE BUILDING. I AM REFERRING TO THESE LITTLE PAVILIONS HERE AND HERE ON THE CORNERS, ALSO THE ENTRY TO THE OFFICE SPACE HERE. ANOTHER INTERESTING FEATURE IS WHAT JOHN AL... ALLUDED TO, SPLIT THE BUILDING, NICE SEX TO THE FUTURE TRANSIT HUB THAT WE BELIEVE WILL BE SOMEWHERE UP IN THIS AREA, THAT WILL OPEN IT UP TO THE SITE AND THE PLAZAS BETWEEN THE BUILDINGS. WE BELIEVE THIS WILL GIVE IT A AND HE..... AND HE..... MASSING AND PROMINENCE NECESSARY TO RELATE TO THE LARGER. LARGER BUILDINGS AROUND IT. WITH THE HOTEL WE ATTEMPTED TO BREAK DOWN THE MASS OF THE BUILDING, BY STEPPING THE FORMS BACK AT THE UPPER LEVELS, THIS CREATES A MORE INTERESTING PROFILE IN THE SKYLINE, KEEPS THE HOTEL RESIDENTIAL BUILDING FROM CROWDING UP AGAINST THE STACKS OF SEAHOLM AND RESIDES FOR A NUMEROUS BALCONY AMENITIES ABOVE. THE TOWER COMPONENT SITS ON FIVE STORY PLINTH, WHICH YOU CAN SORT OF SEE, A FIVE STORY BASE. IT CONTAINS GROUND LEVEL RETAIL, HOTEL LOBBY SPACES, STRUCTURED PARKING FOR THIS PORTION OF THE DEVELOPMENT. ROOF TOP AMENITIES SUCH AS A POOL, SPA, MEETING ROOMS THAT OVERLOOK SEAHOLM PLAZA, TOWN LAKE AND THE AUSTIN SKYLINE. IN THE NEXT VIEW YOU WILL SEE AN AERIAL PERSPECTIVE FROM THE OPPOSITE CORNER OR THE NORTHWEST CORNER IF YOU ARE LOOKING DOWN AT SEAHOLM, WHICH IS IN THE BACKGROUND AND THE HOTEL RESIDENTIAL OFF TO THE LEFT AND THE OFFICE AND RETAIL IS KIND OF IN THE FOREGROUND WITH THE NEW SEAHOLM DRIVE IN THE FOREGROUND. THE SEAHOLM POWER PLANT IS THE REASON THAT WE ARE ALL CONTEMPLATING THE REDEVELOPMENT OF THE SITE. AS THIS MAGNIFICENT FACILITY HAS BEEN DETERMINED TO BE ELIGIBLE FOR LISTING ON THE NATIONAL

HISTORIC REGISTER, IT HAS BEEN ACKNOWLEDGED AND PROPERTY IS THEREFORE ELIGIBLE FOR HISTORIC PRESERVATION TAX CREDITS. THEY PROVIDE TWO IMPORTANT FUNCTIONS. FIRST, THEY PROVIDE A MECHANISM FOR FUNDING THE PORTION OF THE PROJECT THAT IS MOST DIFFICULT TO MAKE WORK FINANCIALLY. DUE TO THE TYPE AND FORM OF THE BUILDINGS, INHERENTLY INEFFICIENT FROM A SPACE -- EXCUSE ME, SPACE UTILIZATION STANDPOINT, BUT VERY INEFFICIENCY THAT GIVES SEAHOLM POWER PLANT IT'S MAJESTIC PRESENCE. SECONDLY THE REQUIRED REVIEWS AND APPROVALS FROM THE TEXAS HISTORICAL COMMISSION AND THE NATIONAL PARK SERVICE WILL ENSURE THAT THE CHARACTER DEFINING ELEMENTS AND THE HISTORIC INTEGRITY OF THE STRUCTURE WILL BE PRESERVED. THESE INCLUDE THE OVERALL INDUSTRIAL CHARACTER OF THE FACILITY, THE OPEN CATHEDRAL LIKE SPACE IN THE TURBINE HALL, THE SIMPLE MAKING OF THE BUILDING -- MASSING AND THE CRITICAL ELEMENTS NECESSARY TO DESCRIBE HOW THE BUILDING FUNCTIONED AND THE ROLE OF THE BUILDING AND A THE GROWTH AND DEVELOPMENT OF THE COMMUNITY OF AUSTIN. ANOTHER IMPORTANT COMPONENT IN THIS PROJECT IS SUSTAINABILITY. THE CITY OF AUSTIN AND THE AUSTIN COMMUNITY IN GENERAL SHOULD BE COMMENDED FOR THEIR FORESIGHT IN INCORPORATING SUSTAINABILITY INTO THE DEVELOPMENT OF PROJECTS FOR A NUMBER OF YEARS NOW. OUR TEAM FEELS THAT SEAHOLM HAS THE POTENTIAL TO BE A TRULY VISIONARY PROJECT. IT COULD BE RECOGNIZED AT THE NATIONAL LEVEL IN ITS PURSUIT OF ALL THREE ASPECT OF SUSTAINABILITY. ECOLOGICAL, ECONOMIC, SOCIAL. ECOLOGICAL SUSTAINABILITY OF THIS SITE IS THE EASIEST TO COMPREHEND. THE ADAPTIVE USE OF A RECLAIMED BROWN FIELD SITE WITH ACCESS TO MULTIPLE FORMS OF PUBLIC TRANSPORTATION IS THE VERY DEFINITION OF A SUSTAINABLE PROJECT. ALL OF THE BUILDINGS ARE EASILY CANDIDATES FOR LEAD CERTIFICATION, AT THIS POINT IT IS NOT A QUESTION OF IF, BUT RATHER AT WHAT LEVEL WILL BE THE BUILDINGS BE CERTIFIED. IF FUNDING IS AVAILABLE, ALSO THE POSSIBILITY OF DEVELOPING AN ALTERNATIVE

FUELS DEMONSTRATION PROJECT. WE INTEND TO TAKE ADVANTAGE OF NUMEROUS EXISTING CONDITIONS BY USING ELEMENTS OF THE EXISTING STRUCTURE FOR RAIN WATER HARVESTING. WORKING WITH THE CENTER FOR SUSTAINABLE DEVELOPMENT TO STUDY THE FEASIBILITY OF THE INCORPORATION OF A COMMERCIAL SCALE RAIN WATER HARVESTING SYSTEM THAT WOULD UTILIZE THE TREMENDOUS VOLUME OF UNDERGROUND PIPING AND WATER STORAGE SYSTEMS ASSOCIATED WITH THE SITES PREVIOUS POWER GENERATION PROCESS. THE CAPTURED RAIN WATER FROM THE SITE WOULD THEN BE PASSIVELY TREATED, STORED, POTENTIALLY REUSED FOR LANDSCAPE IRRIGATION. NOT ONLY DOES THIS ADAPTIVE REUSE SUBSTANTIALLY REDUCE MUNICIPAL WATER CONSUMPTIONS, BUT ALSO MINIMIZES STORM WATER RUNOFF. ECONOMIC SUSTAINABILITY IS ALSO RELATIVELY EASY TO COMPREHEND. BUT FOCUSING ON ENERGY CONSERVATION MEASURES AND THE LIFE CYCLE ANALYSIS OF BUILDING MATERIALS, THE PROJECT WILL SAVE MONEY BY REDUCING ENERGY DEMANDS, THE COST OF PREMATURELY REPLACING AGING MATERIALS. THE EXAMPLE IS OUR CURRENT EXPLORATION OF UTILIZING THE EXISTING STACKS TO PROVIDE NATURAL VENTILATION FOR THE UNDERGROUND PARKING GARAGE WITHOUT THE USE OF LARGE HORSE POWER FANS. SOCIAL SUSTAINABILITY IS THE MOST DIFFICULT ASPECT SINCE THERE ARE NO METRICS -- HOWEVER THIS IS AN ATTRIBUTE THAT WE HAVE PAID A GREAT DEAL OF ATTENTION TO. BY CREATING THIS COMPLEX, MIXED USE DEVELOPMENT, WE ARE PROMOTING SOCIAL SUSTAINABILITY AND CIVIC ENGAGEMENT BY CREATING A VENUE WHERE PEOPLE CAN MIX AND INTERACT. THE EXTERIOR PLAZAS AS PARTICULARLY CRITICAL IN KNITTING IT WITH THE SURROUNDING URBAN FABRIC. I WOULD LIKE TO SHOW SLIDES WITH DETAILS HERE. THIS SLIDE DEPICTS THE WESTERN ENTRANCE TO THE SEAHOLM BUILDINGS WOULD BE A NEW ENTRANCE. THAT WOULD BE RIGHT HERE ON THE AERIAL PHOTOGRAPH. AND THIS IS A POTENTIAL DROP OFF FOR THE ACTIVITIES INSIDE THE SEAHOLM POWER PLANT BUILDING. IT ENTERS AT A SUBTERRANEAN

LEVELS SO HELPS ENLIVEN THOSE LOWER LEVEL SPACE THAT'S JOHN SPOKE TO EARLIER. THIS VIEW LOOKS UP THE STAIRS TO THE PLAZA LEVEL TO ONE OF THOSE GLASS PIECES ON THE OFFICE BUILDING HERE THAT IDENTIFIES THE POTENTIAL ENTRY. THIS IS THE THIRD STREET RETAIL CORRIDOR, SO THIS WOULD BE UP ALONG THIRD STREET HERE. RIGHT ALONG THE EDGE OF THIS BUILDING. AND YOU CAN SEE AGAIN WE ARE TRYING TO ACTIVATE THE SPACES AROUND OUR PROJECT. RETAIL SPILLING OUT ON TO THE STREET AND ENGAGING THE STREET AND BUILDING ON THE RETAIL THAT'S ALREADY ALONG THIRD STREET THERE. THIS VIEW IS FROM WEST AVENUE. IT'S ELEVATED LOOKING INTO THE PLAZA THAT IS BETWEEN SEAHOLM, YOU SEE THE STACKS OF SEAHOLM TO THE LEFT-HAND SIDE OF THE SLIDE. THAT SAME KIND OF LAST CORNER PIECE IN THE OFFICE AND RETAIL BUILDING AT THE FAR END OF THE PLAZA KIND OF ANCHORS THAT INTO THE PLAZA. OFF TO THE RIGHT YOU SEE THE LOWER LEVEL OF THAT FIVE STORY PLINTH THAT WE SPOKE OF ON THE RETAIL CONDO BUILDING. YOU CAN SEE THE SHARE AND DROP OFF FOR THE HOTEL THERE. PORTICO. YOU CAN SEE THE STACKS, POTENTIAL WATER FEATURES, LOTS OF ACTIVITY, KIDS, FAMILIES, DOGS ALL ENJOYING THIS NEW AMENITY. THEN THE PROMENADE THAT LEADS DOWN BETWEEN THE RESIDENTIAL AND OFFICE BUILDING, YOU ARE LOOKING RIGHT AT THE STACKS, SEE OFF TO THE LEFT IS THAT HOTEL RESIDENTIAL WITH RETAIL SPILLING OUT ON THE STREET. AGAIN TRYING TO ACTIVATE THE PLAZA, STREET, CONNECTIONS INTO THIS NEW PROJECT. TO TALK MORE ABOUT THAT PLAZA AND THE AREAS ON THE OUTSIDE OF THE BUILDINGS, I'M GOING TO TURN IT OVER TO EARL BROUSSARD.

WELCOME.

HELLO MAYOR. COUNCIL. GOOD TO SEE YOU. WELL, OUR WORK ACTUALLY IS TO DEVELOP A GREAT SERIES OF SPACES THAT ENLIVEN AND CREATE AN EVENT THAT ALL PEOPLE WILL ENJOY FOR THE PROJECT. THE CITY OF AUSTIN ENGAGED A GROUP CALLED PROJECT FOR PUBLIC SPACES AND WE WORKED WITH THEM TO DEVELOP THE PLANS THAT

YOU ARE SEEING TODAY. THEIR MISSION, ACTUALLY, FOR -- FOR PROJECT FOR PUBLIC SPACES IS TO CREATE A SUSTAINING PUBLIC SPACES AND PROVIDE ANALYSIS AND RECOMMENDATIONS FOR ENLIVENING THOSE SPACES. SO THEY ARE A GROUP OF OUT OF NEW YORK THAT SPECIALIZE. FRED KENT HAS BEEN HERE. I THINK HE HAS SPOKEN IN FRONT OF THIS GROUP BEFORE. ON OCTOBER THE 12th, PPS, THE CLIENTS, THE CONSULTANTS AND CITY OFFICIALS REVIEWED THE PLANS, WALKED SITE, ALL DAY WORKSHOP THE RESULTS OF WHICH ARE IN THE PLAN. TO CREATE A GREAT OUTDOOR SPACE WE NEED TO ADDRESS A SERIES OF ISSUES, WE THINK THAT WE HAVE ADDRESSED EACH ONE OF THOSE ISSUES. THOSE ARE SHOWN TO THE LEFT OF THIS -- OF THIS SLIDE. FIRST TRAFFIC TRANSIT AND PEDESTRIAN. WELL, WE ALREADY TALKED ABOUT HOW WELL CONNECTED THE SITE IS. THERE'S A RANGE OF TRANSPORTATION OPTIONS FROM BIKING, TRAILS, PUBLIC TRANSIT AND CARS. BUT ALSO THE VEHICLES DO NOT CONFLICT WITH THE PEDESTRIANS IN THIS PROJECT. VEHICLES ACTUALLY UNDERGROUND, WE HAVE ABOUT 200 PARKING SPACES UNDERGROUND. THE PUBLIC SPACE IS FREE FOR MANY INTERACTION WITH ANY KIND OF CARS. IN THAT WAY IT'S A VERY UNIQUE PROJECT. IT ALSO MUST ADDRESS ATTRACTIONS AND DESTINATIONS, IT HAS TO HAVE CHOICES FOR THINGS TO DO. TRUE MULTI-USE AS RESIDENTIAL RETAIL OFFICE. IT NEEDS TRIANGULATED OPPORTUNITIES. WE HAVE A PERFECT EXAMPLE OF RESIDENTIAL RETAIL AND THEN EXHIBIT HALL AND ACTIVITY CENTER. IT HAS TO BE FLEXIBLE IN ITS DESIGN. OBVIOUSLY THE MIXED USE WITH THAT FLEXIBILITY, THE PLAZAS ALSO NEED TO WORK WELL. WE HAVE LARGE OPEN AREAS THAT COULD BE PROGRAMED FOR A VARIETY OF DIFFERENT TYPES OF EVENTS. IT HAS TO BE AM... AMENITY I DIDN'T.....IDIDN'T.....IZED.A CROSS-SECTION OF USES, AS WELL AS THE USES IN THE INDIVIDUAL BUILDINGS. IT HAS TO BE A SOURCE OF LOCAL AND CIVIC PRIDE. THERE'S NO BETTER BUILDING FOR US IN TERMS OF THAT ISSUE. CENTRAL TO THE -- TO THE SUSTAINABILITY OF ANY ONE OF THESE KIND OF GREAT PUBLIC AREAS AS PUT FORTH BY PPS, IS THAT THE MANAGEMENT MUST BE ON SITE IF AT

ALL POSSIBLE. AND WE HAVE THAT CAPABILITY OF MAKING THE MANAGEMENT ON SITE FROM THE -- FROM THE RESIDENTIAL AREA. PROVIDING SECURITY, MAINTENANCE, KNOWLEDGEABLE STAFF, ACCESSIBLE AND ALSO VISIBLY GOING OUT AND CHANGING THE SPACE AS A REFLECTION OF HOW PEOPLE ARE USING IT. THEN THERE'S THE WHOLE ISSUE OF SEASONAL STRATEGIES. ISSUES OF RUNNING AND WALKING EVENT, FARMERS COMARKTS, CHRISTMAS MARKETS, INTERACTIVE PLAY AREAS. IMAGINE A SYNCOPATED LIGHT SHOW THAT GOES WITH MUSIC. THERE'S A TREMENDOUS AMOUNT OF OPPORTUNITY TO ENLIVEN THIS AREA. LET'S TALK ABOUT THE OUTER PARK. THERE'S AN OUTSER PARK AND AN INNER PARK. THE OUTER PARK, WE SHOW IN THE SLIDE TO THE UPPER LEFT, WHICH IS THE THIRD STREET RETAIL, WE HAVE ACTUALLY ENLIVENED THAT AREA WITH RETAIL TO GIVE IT A -- TO GIVE IT A MORE VITALITY. AS YOU GO AROUND THERE ARE SEVERAL PORTALS INTO THE INNER SPACE, SO THERE ARE MANY GATEWAYS INTO THE PROJECT. SO SOMEONE COMING TO THE PROJECT CAN COME MANY TIMES AND EXPERIENCE A SPACE IN A DIFFERENT WAY EACH TIME. AS YOU GO AROUND WE HAVE THE DROP OFF OF AT THE HOTEL SHOWN AT THE LOWER LEFT IMAGE ON THE SCREEN. THEN WE HAVE THE GREAT LAWN. WE HAVE ACTUALLY TAKEN PARKING OFF OF THE GREAT LAWN AS IT IS NOW, GIVEN IT BACK AS GREEN SPACE TO HELP STRENGTHEN THE GREEN CORRIDOR OF TOWN LAKE PARK. THIS CAN ALSO BE A MAJOR FUNCTION LAWN. IT'S GOING TO BE A GREAT VIEWING PORCH, WHERE A LOT OF EVENT START. IT ALSO -- UNDERNEATH GREAT WATER TANKS USED AS PART OF THE COOLING SYSTEM THAT WE CAN USE FOR THE IRRIGATION SUSTAINABILITY OF THE LANDSCAPE. AS YOU GO AROUND THE SITE, YOU HAVE THE -- THE ENTRY MUCH MORE MONUMENTAL ENTRY INTO THE PROJECT FROM THE WEST SIDE AND THEN YOU CAN ACTUALLY DRIVE UNDERNEATH FROM THAT POINT AND GO UNDER INTO THE PARKING GARAGE AND COME UP INTO THE PLAZA. WE CAN GO TO THE NEXT, WITH THE INNER PARK. WITH THE INNER PARK WE HAVE A VARIETY OF SPACES, SMALL, INTIMATE AS WELL AS LARGE. ALL FOCAL ON TO AN

INTERACTIVE FOUNTAIN THAT -- THAT IS AT THE AXIS OF THE PROMENADE, ALSO AT THE AXIS OF THE DROPOFF FOR THE RESIDENTIAL. YOU SEE IN THE -- YOU SEE IN THE SLIDE IN THE UPPER LEFT-HAND CORNER, THE MAIN PLAZA.....PLAZA FOUNTAIN AND KIND OF SCALE THAT WE CAN PROVIDE, ALSO DOWN BELOW YOU CAN SEE THE PLAZA PROMENADE. WE ACTUALLY HAVE A PROMENADE WHICH I WOULD SAY IS IN MORE THE SCALE OF SECOND STREET, BUT WITHOUT THE STREET CHARACTER, WITHOUT THE STREET CAR ACTUALLY AS INTERFERING, GIVES US ALL OF THE CHARACTER WITHOUT THE CAR. WE HAVE ALSO PUSHED THE BUILDINGS BACK AS FAR AS WE POSSIBLY COULD SO THAT YOU CAN REALLY SEE THOSE STACKS FROM THE BACK OF SEAHOLM, WHICH IS SUCH AN IMPOSING STRUCTURE. WE HAVE A LARGE FUNCTION LAWN TO THE LEFT SIDE OF THE -- OF THE FOUND THAT ALLOWS IT TO BE PROGRAMED FOR -- FOR DIFFERENT TYPES OF VENUES. WELL, WE BELIEVE THAT -- THAT THIS WILL BE A GREAT DESTINATION EVENT FOR THE SOUTHWEST DOWNTOWN RESIDENTIAL NEIGHBORHOOD. WE BELIEVE IT WILL BE A GREAT PROJECT FOR AUSTIN AND FOR THE MILLIONS OF PEOPLE WHO VISIT OUR CITY. THANK YOU. IF YOU HAVE ANY QUESTIONS, WE ARE IN... GLAD TO ANSWER THEM NOW.

THANK YOU. QUESTIONS FOR THE TEAM, COUNCIL? COMMENTS? MAYOR PRO TEM?

Dunkerly: [INDISCERNIBLE].....ONE QUESTION.MAYBE YOU CAN JUST SHOW ME ON THE DIAGRAM. IN THE BUILDING THAT WILL HAVE THE CONDO AND HOTEL, HOW IS THAT DIVIDED? HOW MUCH HOTEL, HOW MANY CONDOS IS YOUR ESTIMATE RIGHT NOW? I HAVE SERGEANT OF FORGOTTEN. I HAVE SORT OF FORGOTTEN.

APPARENTLY THE TOP SEVEN FLOORS ARE CONDOMINIUM, THEN THE HOTEL AND THEN THERE'S FOUR LEVELS OF PARKING AND THEN THE BOTTOM LEVEL WHICH WILL BE RETAIL AND ENTRY AND --

Dunkerly: ABOUT HOW MANY CONDOS CAN YOU GET ON THAT --

62 CONDOMINIUMS, 160 HOTEL ROOMS.

Dunkerly: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? COMMITMENT? COUNCILMEMBER KIM?

McCracken: CAN YOU TELL MOW --

Kim: CAN YOU TELL ME HOW THIS WOULD BE SITUATED IN TERMS OF ITS RELATION TO A RAIL STOP FOR THE AUSTIN-SAN ANTONIO RAIL CORRIDOR, HAVE YOU LOOKED AT THAT? THE AUSTIN SAN ANTONIO RAIL CORRIDOR, IF WE ARE ABLE TO MOVE THE MOPAC, THE UNION PACIFIC LINE FROM MOPAC.

WE -- WE WORKED REAL CLOSELY WITH THE STUDY THAT WAS DONE, THE STATIONARY STUDY THAT WAS DONE WITH THE RAIL CORRIDOR AND CAPITAL METRO. AND AS YOU CAN SEE IN THIS DRAWING, THE UP RAIL LININGS LIKE THAT. RIGHT PAST OFF THE EDGE OF THE PICTURE IS WHERE THEY ARE PROPOSING THE -- THE COMMUTER RAIL STOP. IT WILL BE ALONG THIRD STREET DIRECTLY TO THE WEST OF SEAHOLM DRIVE. WHERE SEAHOLM DRIVE ENTERS THIRD STREET. ALONG WITH THAT, THE CROSS TOWN COLLECTOR STREET CAR PLATFORM WOULD BE AT THE NORTHWEST CORNER OF SEAHOLM ON THIRD.

SO HAS THIS BEEN COORDINATED THEN WITH THE RAIL CORRIDOR AND CAPITAL METRO AND --

WE HAVE PARTICIPATED WITH THEM IN THAT STUDY AND --

OKAY.

WE HAVE MADE ACCOMMODATIONS TO MAKE SURE THAT ALL OF THAT CAN HAPPEN IN THE FUTURE.

Kim: OKAY. WHAT ARE THE -- ONE OF THE

INTERESTS IN THIS COMMUNITY CLEARLY IS AFFORDABLE HOUSING. I TALK TO PEOPLE WHO COME TO OUR CITY, OTHER COUNCILS FROM OTHER CITIES ABOUT HOW OUR COMMUNITY IS REALLY DIFFERENT WHEN IT COMES TO AFFORDABLE HOUSING, ACTUALLY SOMETHING THAT NEIGHBORHOODS ASK FOR WHEREAS IN -- USUALLY THEY DON'T WANT IT. SO THAT'S SOMETHING THAT I THINK WE ARE VERY PROUD OF IS THAT WE RECOGNIZE THAT THERE'S A VALUED ECONOMIC DIVERSITY IN OUR CITY. RIGHT NOW IN THIS PROJECT IS THERE ANY AFFORDABLE HOUSING AT ALL? RENTAL OR OWNERSHIP..... OWNERSHIP.

THE CONDOMINIUMS ARE OWNERSHIP. AND THAT'S THE WAY IT'S SET UP AT THIS POINT IN TIME.

Kim: OKAY. WELL, I UNDERSTAND THAT WE -- THE CITY COUNCIL PASSED A RESOLUTION SEVERAL YEARS AGO, BEFORE I WAS ON THE COUNCIL, THAT HAD TO DO WITH SALE OF LAND, PROPERTY TAXES, INCREMENT FROM THAT COMING TO THE CITY TO BE USED FOR AFFORDABLE HOUSING. MS. HUFFMAN COULD YOU GO THROUGH HOW THAT WOULD WORK IN THIS SITUATION WHEN IT COMES TO SELLING LAND?

YES. PART OF WHAT WE ARE NOW TALKING ABOUT IS THE DEVELOPMENT AGREEMENT THAT WILL FOLLOW THIS PRESENTATION. LET ME JUST KIND OF DESCRIBE WHERE THE NEGOTIATION IS AT. ONE OF THE THINGS THAT WE HAVE BEEN WORKING VERY HARD ON IS TO MAKE SURE THAT FROM A DESIGN AND PROGRAM PERSPECTIVE THIS IS IN SYNC WITH YOUR STATED GOALS THAT WE PUT INTO THE RFQ. PART OF WHAT JOHN AND HIS TEAM ARE DOING TODAY, SHOWING THIS PROPOSED DEVELOPMENT COMPORTS WITH THE GOALS THAT WE HAVE AS A CITY. THE NEXT STAGE OF THIS PROCESS, OVERLAPPING IS TO ACTUALLY NEGOTIATE A DEVELOPMENT AGREEMENT. IN THAT DEVELOPMENT AGREEMENT THE CITY OF AUSTIN ALWAYS UNDERSTOOD, EVEN ARTICULATED IN THE RFQ THIS WOULD BE A PUBLIC PRIVATE PARTNERSHIP. IT WOULD BE TO GO THROUGH THE DETAILS, DETERMINE WHAT THE PUBLIC PRIVATE

PARTNERSHIP WILL LOOK LIKE. SO WE ARE NOT AT A POINT WHERE WE HAVE THE DETAILS OF THAT WORKED OUT. IN GENERAL WE WOULD LOOK TO THE INCREMENTAL TAXES FROM THE DEVELOPMENT TO HELP PAY FOR THE CITY'S PART OF THE PROJECT, ONCE THE CITY'S PORTION OF THE PROJECT INCLUDING FOR EXAMPLE A MAJOR UTILITY LINE RELOCATION, ARE PAID FOR, ONCE ALL OF THOSE PROJECTS ARE PAID FOR, THE 40% INCREMENT THAT WOULD GO TO AFFORDABLE HOUSING WOULD KICK IN.

WHAT DO YOU MEAN BY THE INDECREMENT, RIGHT NOW WE ARE GETTING 0 PROPERTY TAX FROM THIS. THE WHOLE VALUE, 40% OF THAT?

YES, IT APPLIES TO THE PROPERTY TAX. IT IS IMPORTANT TO NOTE THAT GENERALLY THAT INCREMENT WOULD BE USED -- INITIALLY USED TO PAY FOR THE PARTS OF THE PROJECT THAT THE CITY WOULD HAVE TO INVEST IN IN ORDER TO GET THE REDEVELOPMENT TO OCCUR IN THE FIRST PLACE.

SO HAVE WE FINALIZED YET WHAT THAT -- I GUESS ARE YOU CALLING IT A TIF? CALLING IT A DEVELOPMENT AGREEMENT?

NOW, THIS WILL BE A DEVELOPMENT AGREEMENT. THERE ARE MANY THINGS THAT WE WILL DO IN THIS DEVELOPMENT AGREEMENT. WE WILL TALK ABOUT FOR EXAMPLE HOW THE PARKING GARAGE WILL BE BUILT, THE MANAGEMENT OF THE PARKING GARAGE. WE COVER -- WE WILL ADDRESS ISSUES OF WHETHER OR NOT THE LAND WILL BE SOLD OR LEASED. WE WILL ADDRESS RESTRICTIVE COVENANTS FOR FUTURE USES OF THE LAND. WE WILL WANT TO -- THERE ARE LOTS OF DIFFERENT ITEMS THAT WE COVER IN THESE DEVELOPMENT AGREEMENTS, THAT'S REALLY THE PROCESS THAT WE ARE IN NOW. WE WILL BE BRINGING THAT DEVELOPMENT AGREEMENT BACK TO YOU. SO WE WILL PRESENT THAT TO YOU PUBLICLY. THAT WILL BE SOMETHING THAT THE COUNCIL TAKES FORMAL ACTION ON.

WHEN IS THAT APPROXIMATELY? ARE WE -- DO WE HAVE A GOAL IN MIND IN TERMS OF THE TIME FOR THAT?

WE WOULD LIKE TO BRING THAT TO YOU BY THE END OF SPRING. SO IN THE NEXT SEVERAL MONTHS, WE WOULD LIKE TO BRING TO YOU A DEVELOPMENT AGREEMENT. WE WILL BE REPORTING OUT TO YOU ALSO IN EXECUTIVE SESSIONS AND GETTING FEEDBACK ON THE STATUS OF THOSE NEGOTIATIONS ON THE KEY DEAL POINTS.

OKAY. SO IF WE WARRANTED TO HAVE AFFORDABLE HOUSING ON THIS SITE, ON THE GREEN SITE OR ANY OTHER SITE, IT DOESN'T MATTER. WE STILL HAVE TO BUY DOWN THAT COST. THE SOURCE OF FUNDING WOULD BE A DISCUSSION THIS COUNCIL COULD HAVE. BUT WE COULD BUY PROPERTY OR BUY DOWN UNITS IN A PRIVATE DEVELOPMENT OR A PUBLIC DEVELOPMENT WHEN THE CITY OWNS, CITY IS JOINT PARTNERING IN, IT DOESN'T MATTER. IT'S JUST WE ARE MOVING THE MONEY AROUND AND IT DOESN'T MATTER WHERE WE ARE BUYING DOWN THOSE UNITS. BASICALLY AROUND THE SAME PRICE RIGHT IN TERMS OF THE IMPACT FOR US.

I THINK GENERALLY THAT IS TRUE. ONE THING THAT YOU WANT TO REMEMBER, PARTICULARLY WITH THIS SITE IS THIS IS AN ALREADY CONSTRAINED SITE. SO A SITE ANALYSIS WHEN YOU ARE TRYING TO -- TO TALK ABOUT AFFORDABLE HOUSING DOES MATTER. FOR ONE WE ARE TALKING ABOUT A MAJOR HISTORIC PRESERVATION. IT'S EXPENSIVE AND IT'S NOT A DENSE BUILDING. YOU ARE ALSO TALKING ABOUT CAPITAL VIEW CORRIDORS THAT CONSTRAIN OTHER PARTS OF THE SITE. SO THERE'S REALLY ONLY ONE PART OF THE SITE, THE NORTHEASTERN SECTION WHERE YOU CAN PUT A FAIRLY DENSE PART OF THE DEVELOPMENT. ONE OF THE THINGS THAT YOU LOOK AT WHEN TRYING TO BALANCE PUBLIC INVESTMENTS WITH REDEVELOPMENT IS THE AMOUNT OF DENSITY THAT YOU CAN GENERATE, WHICH GENERATES PROPERTY TAXES AND SALES

TAXES. WE GO THROUGH A VERY DETAILED ANALYSIS WHEN WE PARTNER UP WITH THE DEVELOPER. WE HAD A SHARED PRO FORM MAKE SO WE KNOW EXACTLY WHAT THE EXPENSES ARE, THAT'S THE ANALYSIS THAT WE ARE GOING THROUGH NOW. I WILL SAY THIS SITE HAS SIGNIFICANT INVESTMENTS THAT NEED TO BE MADE IN ORDER FOR THE DEVELOPMENT TO OCCUR. THERE'S UTILITY RELOCATIONS, MAJOR ROAD WORK THAT HAS TO OCCUR AND THERE WILL BE SOME PUBLIC PARTICIPATION IN THE REHABILITATION OF THE SEAHOLM BUILDING ITSELF. WE APPLIED FOR A STATE GRANT AND DID NOT SUCCEED FOR THE PLAZAS, SO THAT IS ALSO A FUNDING GAP. AND OF COURSE THERE'S A GARAGE HAS TO BE BUILT TO PARK THE USES THAT ARE PROPOSED. THERE ARE SIGNIFICANT PUBLIC INVESTMENTS THAT ARE GOING TO BE REQUIRED TO MAKE THIS DEVELOPMENT WORK.

OKAY. THANK YOU.

EXCUSE ME.

COUNCILMEMBER LEFFINGWELL?

JUST A COUPLE OF QUESTIONS ABOUT THE -- ABOUT THE OLD POWER PLANT BUILDING. I BELIEVE I HEARD YOU, WAS IT ELIGIBLE FOR THE NATIONAL HISTORIC REGISTER OR IS IT ALREADY LISTED?

IT IS ELIGIBLE AND WE ARE GOING -- WE WILL BE CONTINUING THE PROCESS TO GET IT LISTED.

Leffingwell: I UNDERSTAND PREVIOUSLY THIS WAS ONE OF THE FEW BUILDINGS OF THIS TYPE IN THE UNITED STATES BECAUSE NUMBER ONE THEY DON'T BUILD THEM ANYMORE. AND MOST OF THEM THAT WERE BUILT DURING THIS PERIOD OF THE '40S AND EARLIER HAVE BEEN DESTROYED. SO DO YOU HAVE ANY IDEA HOW MANY MORE BUILDINGS LIKE THIS ARE LEFT IN THE COUNTRY?

I DON'T KNOW A NUMBER, BUT I KNOW THERE'S BEEN A REAL INTEREST AROUND THE COUNTRY OF REDEVELOPING THE OLD POWER PLANTS. I KNOW

OF ONE OTHER IN BALTIMORE WHICH DESIGN COLLECTIVE OR PARTNER ON THIS PROJECT ACTUALLY HEADED UP THE REDESIGN AND REDEVELOPMENT OF THAT PROJECT. BUT THERE ARE SEVERAL HOURS, BUT FEW AND FAR BETWEEN.

Leffingwell: VERY FEW, YEAH. I BELIEVE THIS PROJECT HAD TO GET CLEARANCE FROM THE EPA FOR REUSE. HAS THAT PROCESS BEEN COMPLETED?

THE REAL EXCITING PART OF THE PROJECT ABOUT A YEAR AGO THEY WENT THROUGH AND THE E.P.A. AND REGIONAL DIRECTOR OF THE E.P.A. AND TCEQ OR -- WERE AT A CERTAINLY MONEY AT SEAHOLM WHERE SEAHOLM WAS AWARDED AN AUSTIN ENERGY AND CITY WERE AWARDED A CERTIFICATE FOR REUSE. WHICH IS I BELIEVE ONE OF THE FIRST IN THE COUNTRY. WHERE -- WHERE CITY WENT IN, COMPLETELY REMEDIATED THE BUILDING, ANY ENVIRONMENTAL PROBLEMS AND ISSUED THIS CERTIFICATE. WHICH MEANS THAT IT COULD BE USED FOR ANY USE IN TERMS OF ENVIRONMENTALLY. THE BUILDING HAS REALLY INTERESTING HISTORY, BEING BUILT IN 1952 AND THE ARCHITECTURE IS -- IS WELL WORTH PRESERVING.

Leffingwell: I KNOW THAT REUSE CERTIFICATE, THAT'S NOT AN EASY THING TO GET. IT'S A VERY COMPREHENSIVE AND TIME CONSUMING AND SOMETIMES EXPENSIVE TO DO IT. SO I'M REALLY GLAD THAT WE ARE ABLE TO DO THATMENT AND SAVE THIS BUILDING. AND I JUST WANT TO COMMENT THAT -- THAT I GUESS THERE HAVE BEEN -- EXCUSE ME, AT LEAST TWO PREVIOUS ITERATIONS OF THIS MASTER PLAN FOR SEAHOLM, THE PREVIOUS ONES INCLUDED THE -- THE SAND BEACH PRESERVE TRACT JUST TO -- JUST TO THE WEST. AND VAGUELY FAMILIAR WITH THOSE PREVIOUS ONES AND I THINK THIS IS THE BEST ONE THAT I HAVE SEEN YET. SO CONGRATULATIONS.

WELL, THANK YOU VERY MUCH... MUCH. IT HAS BEEN A LONG PROCESS. I BELIEVE IT QUIT PRODUCING POWER IN 1991, IT'S GONE THROUGH A NUMBER OF YEARS OF TRYING TO GET READY FOR

THIS.

IT HAS TAKEN A WHILE.

Mayor Wynn: MAYOR PRO TEM?

Dunkerly: I JUST WANT TO SAY I'M REALLY A LITTLE BIT ASTOUNDED. THIS WAS A VERY, VERY DIFFICULT TRACT TO DO ANY KIND OF CONCEPTUAL OR REAL REDEVELOPMENT AROUND IT. IT WAS NOT LIKE BLOCK 21 WHERE WE COULD HAND THE DEVELOPER A SITE THAT WAS READY TO GO. SO I AM REALLY VERY IMPRESSED WITH WHAT YOU HAVE BEEN ABLE TO DO IN THAT CONSTRAINED SITE. I DO KNOW THAT -- THAT IN ORDER TO HAVE THIS WORK THE CITY DOES HAVE TO DO A LOT OF THE INFRASTRUCTURE OR SOME INFRASTRUCTURE CHANGES AND I THINK THE EARLY ESTIMATE OF THAT WAS LIKE ABOUT \$18 MILLION. ON OUR SIDE. OF COURSE THAT NUMBER WILL BE REFINED AS YOU GO ALONG. AND IT -- IT REALLY LOOKED LIKE -- LOOKS LIKE THAT WE WOULD BE ABLE TO PAY FOR MOST OF THAT THROUGH THE -- THROUGH THE PROPERTY ITSELF. THROUGH THE REDEVELOPMENT. BUT I DID WANT TO COMMENT ON THE RESOLUTION THAT THE COUNCIL PASSED MANY -- SEVERAL YEARS AGO, ON -- ON CITY-OWNED PROPERTY THAT -- THAT BECOMES TAXABLE. WE DO HAVE A -- A RESOLUTION AND A POLICY IN PLACE THAT SAYS ESSENTIALLY AS COUNCILMEMBER KIM MENTIONED, THAT ONCE ANY BONDS ARE PAID OFF, ASSOCIATED WITH THE REDEVELOPMENT, THAT 40% OF THE INCREMENT WILL GO FOR AFFORD AFFORDABLE HOUSING AND CURRENTLY BOTH OF THE CSC BUILDINGS ON EITHER SIDE ARE PUTTING -- 40% OF THEIR TAXES ARE GOING INTO THAT FUND. WITH MUELLER WE WILL HAVE TO PAY OFF THE BONDS FIRST AND AFTER THAT WE WILL AGAIN HAVE 40% OF THAT INCREMENT GOING INTO AFFORDABLE HOUSING. SO -- SO ANY TIME WE DO THESE KINDS OF DEVELOPMENTS, WHETHER IT'S ON SEAHOLM OR ON BLOCK 21 OR POTENTIALLY ON GREEN, WE REALLY ARE CREATING AN ONGOING FUND FOR AFFORDABLE HOUSING TO ADDRESS SOME OF THE MAJOR NEEDS IN THIS COMMUNITY.

SO -- SO I JUST WANTED TO CLARIFY THAT. YOU MIGHT ASK THE ASSISTANT CITY MANAGER TO PROVIDE US WITH ANOTHER COPY OF THAT RESOLUTION. IT'S BEEN A LONG TIME AND I DON'T THINK WE HAVE SEEN THAT LATELY.

I WILL DO THAT.

THANK YOU.

THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I WANT TO THANK YOU FOR THE WORK AND PRESENTATION. I CERTAINLY WOULD LIKE TO SEE THE REDEVELOPMENT OF THE SEAHOLM SITE. BUT ONE OF THE THINGS THAT I WANT TO SPEAK IS TO KIND OF TAGGING ALONG WITH MAYOR PRO TEM AND WITH COUNCILMEMBER KIM. YOU KNOW, WE ARE USING PUBLIC LAND AND THE WAY IT'S BEING PRESENTED THAT THE POINT DOESN'T HAVE AN AFFORDABILITY COMPONENT. I REALIZE THAT WE HAVE TO MAKE A STRONG INVESTMENT. IF WE ARE LOOKING AT 100% TIF OVER 20 YEARS TO PAY FOR IT, CAN WE GET CREATIVE AND POTENTIALLY LOOK AT SOMETHING LIKE AN 80% T.I.F. OVER 30 YEARS, WHICH GIVES YOU A 20% NET GAIN AT THE END OF THOSE 30 YEARS, USE THAT 20% TODAY FOR AFFORDABILITY AND THEN ONCE THOSE BONDS ARE PAID FOR IN 30 YEARS, THE 40% KICKS IN ON TOP OF THAT FOR AFFORDABLE HOUSING. I JUST THINK THAT WE NEED TO GET AS CREATIVE AS POSSIBLE WHEN WE ARE TAKING SOMETHING LIKE PUBLIC LAND, TURNING IT INTO A DEVELOPMENT PROJECT THAT -- THAT IS ONLY FOR HIGH END DEVELOPMENT, YOU KNOW. SO I'M GOING TO BE WORKING AS HARD AS I CAN TO COME UP WITH SOME KIND OF CREATIVE IDEA LIKE THAT, SO WE CAN TRY TO INCORPORATE AN AFFORDABILITY COMPONENT INTO THE PROJECT AS IT STARTS TODAY. BUT I THANK YOU.

COUNCILMEMBER, ONE OF THE ADVANTAGES OF HAVING A PUBLIC/PRIVATE PARTNERSHIP, REALLY A SHARED PRO FORMA, WE CAN DO A REALLY

REFINED ANALYSIS TELL YOU EXACTLY WHAT IT WOULD COST TO INCORPORATE THOSE KINDS OF ELEMENTS INTO THE PROJECT. UNDERSTANDING THAT THERE ARE SOME BASELINE UTILITY AND INFRASTRUCTURE PROJECTS THAT WE HAVE TO DO IN ORDER FOR THIS DEVELOPMENT TO BE FEASIBLE. BUT BEYOND THAT IF THE CITY IS INTERESTED IN INVESTING MORE IN THE PROJECT, THERE MIGHT BE SOME OTHER OPPORTUNITIES FOR US AND WE CAN DO THAT ANALYSIS FOR YOU.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I THINK THAT THERE MIGHT BE AN ADVANTAGE TO BUYING IN THE AFFORDABILITY NOW. WE COULD ALWAYS WAIT UNTIL 20, 30 YEARS, WHENEVER THE BONDS ARE PAID FOR AND GET THE MONEY LATER. BUT BY THEN THE UNITS ARE GOING TO COST MORE. IN THE CITY OF AUSTIN. REGARDLESS WHERE IT'S HERE OR WHEREVER. I THINK THERE'S AN ADVANTAGE BECAUSE I THINK THE ESTIMATES ARE ABOUT 7 TO 10% CONSTRUCTION COSTS GO UP EVERY YEAR ABOUT SEVEN TO 10%. SO IF WE CAN SAVE THAT MONEY BY BUYING UNITS NOW OR BUYING DOWN THE COST OF UNITS NOW, THEM WE MIGHT BE SAVING SOME MONEY IN THE LONG RUN IN HAVING TO BUY THEM LATER, EVEN IF WE HAVE THE MONEY LATER. SO I JUST WANT TO LOOK AT THE CREATIVE FINANCING ON THAT AND IF WE CAN LOOK AT THOSE OPTIONS WE AS A COUNCIL CAN DECIDE IF WE WANT TO PUT MORE MONEY IN THIS DEVELOPMENT, HOW SOON WE WOULD PUT IT INTO AFFORDABLE HOUSING GIVEN THE COMPREHENSIVE LOOK THAT WE ARE LOOKING WITH ALL OF THE DIFFERENT SOURCES THAT WE HAVE, INCLUDING REVENUE THAT WE ARE ANTICIPATING FROM THIS SITE AT SOME POINT ONCE THOSE BONDS ARE PAID FOR.

Mayor Wynn: MAYOR PRO TEM.

Dunkerly: I THINK ONE THING WE DO NEED TO GIVE SOME DIRECTION ON THE ASSISTANT CITY MANAGER ON WHAT PERCENTAGE -- 62 UNITS? WHAT PERCENTAGE OF THE 62 UNITS AND WHAT LEVEL OF AFFORDABILITY, WHETHER IT'S 10% AT

08%, THAT'S WHAT -- 80%, THAT'S WHAT DRIVES THE COST. IF YOU COULD SORT OF -- GIVE HER SOME DIRECTION ON WHAT RANGE.

Kim: I THINK THAT'S GOING TO BE VERY IMPORTANT FOR US TO DO THAT BECAUSE THE DISCUSSION THAT WE HAVE BEEN HAVING OF AFFORDABLE HOUSING TASK FORCE IS 80% MFI IS A HUGE BUY DOWN IN COSTS IN DOWNTOWN VERSUS 80% MFI LET'S SAY IN THE SUBURBS OR OUTSIDE THE CENTRAL CITY CORE. SO THAT'S SOMETHING THAT I WOULD LIKE TO TALK ON THE OTHER COUNCILMEMBERS ABOUT, GET FEEDBACK FROM THE COMMUNITY. IT MAY BE THAT WE ARE BUYING DOWN SOME UNITS THAT RANGE FOR WORKING FAMILIES THAT CAN AFFORD MORE THAN 80% MFI. AS [INDISCERNIBLE] POINTS OUT, I DON'T KNOW IF I CAN GET THEM ALL, ABOUT HOW DEEP AFFORDABILITY, HOW MANY PEOPLE YOU WANT TO REACH, AND WHAT WAS THE OTHER THING, THE LOCATION? THE LOCATION. SO IT'S KIND OF LIKE WE ARE TRYING TO BALANCE THOSE THREE THINGS. IF WE CHOOSE ONE OVER THE OTHER, THERE'S GOING TO HAVE TO BE SOME BALANCING AND PRIORITIZING OF HOW MANY WE CAN DO GIVEN A FINITE NUMBER OF DOLLARS WE HAVE AVAILABLE TO US.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? AGAIN, WE LOOK FORWARD TO MAKING THIS HAPPEN. PATIENCE IS A VIRTUE, BUT, YOU KNOW, ALSO WE NEED TO MAKE HAY WHILE THE SUNSHINES, THANK YOU ALL VERY MUCH.

THANK YOU. COUNCIL, WE ARE STILL IN THE CATCH UP MODE. IF I CAN BRIEFLY, SO WE -- REMEMBER COUNCIL WE TOOK IN CLOSED SESSION EARLIER, WE TOOK UP ITEMS 40, 41, 42, 43, THESE ARE ALL RELATED TO AUSTIN ENERGY. DIFFERENT ELEMENTS OF LONG-TERM STRATEGIC PLANS AND -- FACILITIES. AND SO PERHAPS BRIEF STAFF INTRODUCTION. TECHNICALLY OUR ACTION ITEMS RELATED TO THOSE ARE 5, 6, 23 AND 24. ALSO FOR THE RECORD, MS. GENTRY, ITEMS 36 AND 37, POSTED ON OUR CLOSED SESSION AGENDA WERE NOT AND WILL NOT BE TAKEN UP TODAY. LASTLY, COUNCIL,

WHILE WAITING FOR AUSTIN ENERGY TO COME FORWARD, I APOLOGIZE, WE POSTED FOR AN AFTERNOON BRIEFING A PRESENTATION ON FAMILIES WITH CHILDREN'S REPORT, A VERY COMPREHENSIVE ANALYSIS AND REPORT THAT'S GOING TO BE PRESENTED TO US BY STAFF. BASED ON THE HOUR AND OUR AGENDA BEING SO FAR BEHIND, WE ARE GOING TO -- WITHOUT OBJECTION, HAVE STAFF BRING THAT BACK AT THE NEXT COUNCIL MEETING FOR A REGULARLY SCHEDULED AFTERNOON BRIEFING. WELCOME, MR. ROGER DUNCAN. THANK YOU, MAYOR, COUNCIL, WE ARE TAKING UP ITEMS 5, 6, 23 AND 24.

YES, FOUR POSTED AUSTIN ENERGY ACTION ITEMS, RELATED TO ITEMS TOOK UP IN CLOSED SESSION.

ITEM NO. 5 IS A RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH C.P.S. BOARD OF SAN ANTONIO. ADJOINING LAND AND RELATED WATER RIGHTS AT A SITE IN LA MATRICULAR CONSULAR.....MAT -- IN MATAGORDA COUNTY. CAN WITH C.P.S. OR OTHERWISE INDIVIDUALLY INTEREST IN LAND IN RELATED WATER RIGHTS SUCH OTHER AGREEMENTS AS MAY BE NECESSARY TO ACCOMPLISH THESE TRANSACTIONS. AS WE HAVE MENTIONED TO COUNCIL, WE HAVE DETERMINED THAT LAND IN THIS AREA MAY BE APPROPRIATE FOR A -- FOR A FUTURE POWER PLANTSITE. BECAUSE OF THE CHARACTERISTICS OF THE LAND. WE ARE REQUESTING PERMISSION AT THIS TIME TO - - TO DEVELOP AND LOOK AT THAT LAND FOR FUTURE POWER PLANT GENERATION SITE.

Mayor Wynn: THANK YOU, MR. DUNCAN. QUESTIONS FOR STAFF, COUNCIL, BEFORE WE HAVE A HANDFUL OF FOLKS WHO WANTED TO ADDRESS US ON THIS ITEM. I HAVE A NUMBER OF THINGS TO SAY ON THIS, I WILL RESERVE MY COMMENTS UNTIL WE HEAR FROM CITIZENS. CALLING UP THE CITIZENS SIGNED -- SIGN UP SHEET FOR ITEM NO. 5. OUR FIRST SPEAKER IS ELIZABETH [INDISCERNIBLE] STYLER, I KNOW SOME FOLKS HAD TO LEAVE. THEY SIGNED UP THIS MORNING TO SPEAK. ELIZABETH SEILER McGREEVY, AGAINST, LOOKS LIKE VIVIAN KAPUTO

OFFERING TO DONATE TIME TO HER. LUKE METSGER. WISHING TO SPEAK.

I THINK HE WAS HERE, BUT HAD TO LEAVE. HE SENT THIS -- A VERY DETAILED E-MAIL ABOUT 10 MINUTES AGO FOR US TO -- JUST TO TAKE A LOOK AT.

Mayor Wynn: OKAY. WE WILL PUT THAT INTO THE RECORD.

OFFERING TO DONATE TIME WAS SAM NIXON KIRK FRANK, RICHARD MORGAN AND COLIN McKELLUPS, SHAUN GREENBERG, STILL HERE? ALSO SIGNED UP WISHING TO SPEAK. AS DID PAUL ROBBINS. I SAW MR. ROBBINS WAITING. APPRECIATE YOUR PATIENCE, PAUL. ANY CHANCE VERY RANDALL OR CHARLES RUSSELL IS STILL WITH US? VIRGINIA RANDALL OR CHARLES RUSSELL. COUNCIL, WITHOUT OBJECTION OUR RULES ARE THAT FOLKS NEED TO BE PRESENT IN ORDER TO OFFER THEIR TIME TO A SPEAKER. SINCE SO MANY OF OUR FOLKS DID LEAVE AND MR. ROBBINS HAS PATIENTLY WAITED ALL DAY AND --

I TOLD YOU THAT I WAS STUBBORN.

Mayor Wynn: I'M COMPLIMENTING YOU ON YOUR STUBBORNNESS, PAUL. WITHOUT OBJECTION I WOULD LIKE TO BOTH VIRGINIA RANDALL AND CHARLES RUSSELL. I WOULD LIKE TO OFFER PAUL NINE MINUTES WITHOUT OBJECTION.

THANK YOU.

YOU'RE WELCOME.

I HOPE THAT I WILL BE BRIEFER. I'M PAUL ROBBINS AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I AM HERE TODAY AGAIN TO URGE A DELAY OF 30 DAYS SO COUNCIL CAN HOLD A PUBLIC HEARING AND WORK SESSION REGARDING ISSUES RELATED TO COAL PLANT. WE WERE TALKING ABOUT ITEM 5. TO NEGOTIATE LAND PURCHASED FOR THIS PROPOSED PLANT. BUT WE ARE AUTHORIZING THESE NEGOTIATIONS WITHOUT

A CHANCE TO REVIEW WHAT THE COST OF THIS PLANT WILL BE. HOW IT WILL BE FINANCED. HOW LIKELY IT IS TO MITIGATE POLLUTION, ALTERNATIVE SITE OPTIONS AND WHAT POSSIBLE ALTERNATIVES ARE TO THE PROPOSAL ITSELF. WE ARE AUTHORIZING THESE NEGOTIATIONS WITHOUT PROPER CONSIDERATION OF IMPLIED PARTNERSHIP WITH ANOTHER UTILITY, CITY PUBLIC SERVICE OF SAN ANTONIO. AS I SAID LAST WEEK, THIS UTILITY TO JUST AUTHORIZE THE CONSTRUCTION OF A PULVERIZED COAL PLANT. THIS UTILITY DOES NOT SHARE AUSTIN'S VALUES. IT MAY PUT PRESSURE ON AUSTIN TO REDUCE ENVIRONMENTAL PROTECTION MEASURES, IF IT IS AN EQUAL PARTNER, NOW I SAID EARLIER THAT THE WHOLE ISSUE IS FRAMED IN SUCH A WAY AS TO MAKE COUNCIL LOOK IRRESPONSIBLE IF IT DOES NOT VOTE POSITIVELY TO ALLOW THESE NEGOTIATIONS, THE COUNCIL HAS BEEN TOLD THAT IF THESE NEGOTIATIONS ARE NOT AUTHORIZED TODAY, IT WILL CRIPPLE AUSTIN'S ABILITY TO PURCHASE THE SITE THAT CONTAINS THE GEE LOGICALLY SUITABLE EEGEO LOGICALLY SUITABLE FORMATIONS TO SEQUESTER CARBON DIOXIDE, AUSTIN ENERGY MAINTAINS THAT IT MUST COMPETE WITH LAND PURCHASER WORLDWIDE AND ANY DELAY COULD BE BOTH EXPENSIVE AND ENVIRONMENTALLY IRRESPONSIBLE IF LAND CANNOT BE OBTAINED FOR SUITABLE SITES THAT ARE ALREADY SOLD. AND AGAIN LET ME REFRAME AND REITERATE MY POSITION, REFRAME THE ISSUE, WHY DIDN'T AUSTIN ENERGY MAKE ITS INTENTIONS KNOWN A LONG TIME AGO. THE UTILITY COULD HAVE HELD A WORK SESSION AND PUBLIC HEARING A YEAR AGO AND GOTTEN INPUT FROM COUNCIL AND THE PUBLIC ON HOW TO PROCEED. THIS ITEM ON THE AGENDA WOULD HAVE BEEN EXPECTED, THERE WOULD BE NO EMERGENCY. THE MAYOR IN A PUBLIC STATEMENT YESTERDAY EXPRESSED HIS INTENTION TO HAVE A TOWN HALL MEETING TO RAISE AWARENESS OF THE CITY'S PLANS AND TO GET INPUT AND I THINK -- ANY OF YOU KNOW I DON'T SAY THINGS TO FLATTER YOU. I THINK THIS IS COMMENDABLE. BUT IT DOES NOT BY ITSELF SUFFICE AS A PUBLIC PROCESS. THIS ACTION NEEDS TO BE TAKEN UP BY THE ENTIRE CITY COUNCIL IN

THE VERY NEAR FUTURE. IT AMAZING ME THAT THE RECENT BOND ISSUE OF 567 MILLION WENT THROUGH A LONG PROCESS OF PUBLIC INPUT. BUT A COAL PLANT THAT COULD WELL COST MORE THAN ALL SEVEN BOND PROPOSITIONS COMBINED HAS SO FAR RECEIVED NO SCRUTINY. AS AN ADVOCATE OF CLEAN ENERGY, I WOULD LIKE A CHANCE DURING THE PUBLIC PROCESS TO PRESENT RESPONSIBLE ALTERNATIVES TO THIS PROPOSED COAL PLANT. I LOOK FORWARD TO THE OPPORTUNITY. FOR THE RECORD, THE MAJORITY OF COUNCIL SEEMS INTENT ON VOTING FOR THIS TODAY. SO I WOULD ASK THAT IF YOU DO APPROVE THESE NEGOTIATIONS, YOU DO TWO THINGS. FIRST, AGAIN, SET A TIME CERTAIN WHEN A PUBLIC HEARING AND WORK SESSION ON THIS ISSUE WILL BE. SECOND, EXCLUDE SAN ANTONIO'S UTILITY FROM THESE SITE NEGOTIATIONS. IF AUSTIN IS TO BUILD SUCH A PLANT, IT WOULD ALLOW MORE QUALITY CONTROL IF WE ACT ON OUR OWN BEHALF. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: IS YOU WILL BE FOLLOWED BY KAREN HAYDEN.

DO YOU HAVE THAT HANDY THING WHERE I CAN SEE SOMETHING?

Mayor Wynn: YES, MA'AM. WE HAVE A FANCY SKY CAM BEFORE YOU THERE.

I'M SPENDING MOST OF MY TIME THESE DAYS FIGHTING THE TEXAS GOLD RUSH AND ON TUESDAY THERE'S GOING TO BE A MEETING OF THE AUSTIN SIERRA CLUB AT THE LCRA, THERE WILL BE A PANEL DISCUSSION WHICH I WOULD LIKE TO INVITE TO YOU ATTEND ABOUT THE TEXAS COAL RUSH. I WOULD ALSO LIKE TO YOU ATTEND -- I'D LIKE TO INVITE YOU TO ATTEND A RALLY AND LEGISLATIVE FORUM AND BREAKFAST AND AT THE CAPITOL ON NEXT WEEKEND, FEBRUARY 11th AND 12 ITS, A WEEK FROM SUNDAY, WHICH IS GOING TO BE TALKING ABOUT WHY WE DO NOT WANT ANY COELG PLANTS IN TEXAS -- COAL PLANTS IN TEXAS. THIS WOULD BE A GRAVE TRAGEDY FOR OUR CITY,

WHICH HAS BEEN A LEADING LIGHT IN THE DEVELOPMENT OF GREEN BUILDING PROGRAMS AND RENEWABLE ENERGY AND EFFICIENCY PROGRAMS. THIS WOULD BE A TRAGIC DECISION FOR YOU TO LEAD US DOWN THIS PATH BACK INTO THE PREVIOUS CENTURY TOWARD MORE COAL PLANTS. I'M FULLY CONFIDENT THAT THE TECHNOLOGIES FOR EFFICIENCY AND RENEWABLES ARE HERE AND AVAILABLE TODAY. YESTERDAY IN WASHINGTON THE NATIONAL SIERRA CLUB WITH THE AMERICAN SOLAR ENERGY SOCIETY RELEASED A STUDY WHICH IF YOU WOULD PUT THE CORE OF IT UP ON THE SCREEN, YOU CAN SEE WHAT THAT LOOKS LIKE. THIS STUDY BY THE AMERICAN SOLAR ENERGY SOCIETY AND ONE OF THE LEADING GLOBAL WARMING SCIENTISTS SHOWS THAT WE CAN REDUCE OUR EMISSIONS THROUGH EFFICIENCY AND RENEWABLES BY A GREAT DEGREE -- TO SUCH A DEGREE THAT WE DO NOT NEED ANY COAL PLANTS, NEITHER THE DIRTY OLD STYLE THAT WE HAVE PROPOSED IN THE STATE OF TEXAS, THERE ARE 19, AND -- NOR THE IGCC TYPE PLANT THAT'S PROPOSED FOR MATAGORDA. THE PLANTS THAT -- ONE OF THE PLANTS THAT HAS RECEIVED A PERMIT FOR IGCC IN THIS STATE IS CARBON READY. THAT'S THE PLANT IN CORPUS CHRISTI WHERE I GREW UP. BUT CARBON READY IS NOT GOOD ENOUGH. IT'S TIME RIGHT NOW FOR ZERO EMISSIONS, FOR ZERO NET CARBON, AND I DON'T BELIEVE THAT THE IGCC PLANTS, IF WE GO DOWN THAT ROAD, WHICH WE SHOULD NOT GO THERE, WILL ACTUALLY (INDISCERNIBLE) CARBON. AND THAT TECHNOLOGY IS NOT PROVEN AND CAN BE UNSAFE AND NOT WORK AND THE CARBON COULD GET BACK OUT INTO THE ATMOSPHERE. THERE ARE AT LEAST TWO INCIDENTS THAT A PROFESSOR AT TEXAS STATE UNIVERSITY CAN CITE FOR YOU OF CARBON POOLING. THAT'S ONE OF THE THINGS THAT CAN HAPPEN. SO I'M ASKING FOR YOU THE 30 DAY DELAY AND A PUBLIC HEARING AND I WILL LET YOU KNOW AS A CITIZEN I WILL DO EVERYTHING WITHIN MY POWER POSSIBLE TO DO EVERYTHING TO RALLY MY NEIGHBORS TO OPPOSE THIS IF YOU MOVE TOWARD IT. I ENCOURAGE YOU TO DO THE THING LIKE YOU WERE DOING EARLIER TODAY, TRYING TO PURCHASE LAND IN WEST TEXAS FOR A

SOLAR CONCENTRATING POWER PLANT AND HAVING PROGRAMS NOT FONDLE THE -- NOT ONLY LIKE THE REBATES YOU'VE LED NATIONWIDE ON HAVING REBATES. THANK YOU. PEOPLE WANT THAT. THE MARKET WANTS SOLAR. I DIDN'T REALIZE I COULD GET INTO SOLAR FOR ABOUT \$6,000 THROUGH YOUR REBATE PROGRAM. NOW THAT I'VE LEARNED THAT IN THE PAST WEEK, I WANT TO DO IT. THERE ARE ALSO PROGRAMS WHERE CAN YOU PARTNER WITH SOLAR TECHNOLOGY PROVIDERS AND DO RENTAL WHERE PEOPLE CAN'T NECESSARILY AFFORD THAT, EVEN THAT \$6,000, THE INITIAL LOAN COULD PAY YOU ON A MONTHLY BASIS FOR SOLAR. THAT'S WHAT I WANT. AND THAT'S WHAT I -- I APPRECIATE YOU HAVING LED ON THOSE THINGS NATIONWIDE. YOU'VE BEEN FEATURED IN OUR NAG AS A CITY THAT'S A GREEN CITY, IMPLEMENTING EFFICIENCY MEASURES, LEADING RENEWABLES. PLEASE DON'T GO BACK TO THE FORMER CENTURY THAT'S GOTTEN US INTO GLOBAL WARMING. I'M GOING TO GIVE YOU A COPY NOW OF THE STUDY THAT I MENTIONED THAT WAS RELEASED YESTERDAY TACKLING CLIMATE CHANGE COM THE U.S., POTENTIAL CARBON EMISSION REDUCTIONS FROM ENERGY EFFICIENCY AND RENEWABLE ENERGY. I'M GOING TO GIVE YOU A COPY OF AN INVITATION TO THE STOP THE COAL RUSH RALLY, TEXANS DESERVE CLEAN ENERGY SOLUTIONS. AND I HOPE TO SEE YOU AT BOTH OF THE EVENTS I MENTIONED. THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU, MS. HOFFMAN. CAN YOU HAND THOSE TO COUNCILMEMBER LEFFINGWELL AND HE WILL PASS THOSE DOWN. KAREN HAYDEN, YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY NEAL CARMINE.

GOOD EVENING, MAYOR AND COUNCIL. I'M HERE ON BEHALF OF THE SEED CO-LATION, SUSTAINABLE ENERGY AND ECONOMIC COALITION. AND WE ARE LIKE SIERRA CLUB AND OTHER ORGANIZATIONS IN THE MIDDLE OF FIGHTING AGAINST A LOT OF THE DIRTY COAL PLANTS IN THE STATE OF TEXAS. SO THIS ISSUE IS VERY CLOSE TO US AND WE HAVE STRONG FEELINGS ABOUT IT. AND I WANT TO SAY

THANK YOU FOR THE LEADERSHIP TO MAYOR WYNN ON GLOBAL WARMING ISSUES NATIONALLY. WE'RE VERY APPRECIATIVE AND YOU'VE BEEN A STRONG LEADER. WE WANT TO SAY THANK YOU TO AUSTIN ENERGY FOR THE PREVIOUS PROGRAMS AND ONGOING PROGRAMS THAT PROMOTE ENERGY EFFICIENCY. THIS IS THE FUTURE. THIS IS THE RIGHT PATH. , URGE YOU TO STAY ON THAT PATH. THERE ARE A LOT OF COMPANIES RIGHT NOW THAT ARE BUILDING COAL, SOME ARE DOING MUCH, MUCH CLEANER, THE GASIFICATION TECHNOLOGY, BUT FOR AUSTIN ENERGY, I KNOW THAT THAT'S ONE THING THAT YOU ARE CONSIDERING DOWN THE LINE. I WOULD URGE THAT YOU TAKE THE BEST OF ALL POSSIBLE PATHS TO PURSUE ENERGY EFFICIENCY WITH ALL OF YOUR STRENGTH, WITH ALL OF YOUR RESOURCES. WE'RE TRYING TO GET, AS I UNDERSTAND IT, 300 MEGAWATTS. THAT'S NOT TOO MUCH. IN THE PAST AUSTIN HAS BEEN ABLE TO AVOID BUILDING A COLE BURNING POWER PLANT, BY GETTING SERIOUS ABOUT EFFICIENCY, AND WE HAD THAT GREAT PROGRAM WHERE OUR HOMES GOT ENERGY AUDITS AND GOT EFFICIENCY MEASURES IN PLACE. I WAS ONE OF THE PEOPLE THAT DID THAT. OUR HOME WAS MORE COMFORTABLE AND OUR BILLS WENT DOWN. IT WAS GREAT. I'D LIKE TO SEE MORE OF THIS HAPPEN. I'D LIKE TO SEE THE CITY OF AUSTIN MAKE THE GREEN BUILDING VOLUNTARY MEASURES BECOME ENFORCEABLE. MAKE THEM A REQUIREMENT FOR OUR NEW BUILDINGS, OUR NEW HOMES AND OFFICES. EFFICIENCY IS THE CHEAPEST WAY TO MEET OUR ENERGY NEEDS, AT ABOUT TWO CENTS PER KILL LOW WATT HOUR. WHERE BUILDING NEW PLANTS TENDS TO RUN SEVEN CENTS IF THERE'S CARBON SEQUESTRATION. SO AGAIN, IT'S TIME FOR US TO TAKE A MAJOR LEADERSHIP ROLE. IT'S A NEW GENERATION OF RENEWABLE, SUSTAINABLE ENERGY, AND THIS IS SO IMPORTANT IN THIS TIME OF GLOBAL WARMING WHEN WE ARE STARTING TO FULLY REALIZE THE IMPACTS, WHEN WE REALIZE THE IMPACTS THAT COME FROM OTHER POLLUTION THAT COMES WITH COAL BURNING POWER PLANTS. SO I WOULD URGE YOU TO VOTE NO AT THIS POINT IN TIME BECAUSE PURCHASE OF LAND IN MATA.....MATAGORDA COUNTY COULD MAKE

OTHER PEOPLE WANT TO PUT A COAL PLANT DOWN THERE. EVEN THOUGH WE REALIZE THE VALUE OF THE LAND AS A SEQUES SEQUESTRATION SITE. I WOULD URGE YOU TO DELAY THIS VOTE, TO VOTE NO AND TO HOLD EXTENSIVE PUBLIC MEETINGS WHERE PEOPLE HAVE A CHANCE TO FULLY DISCUSS OUR ENERGY FUTURE. THANK YOU.

Mayor Wynn: THANK YOU. NEAL CARMINE AND CHRIS AL LEN ELECTRIC SANDER.

THANK YOU, MAYOR WYNN AND DPOWBZ THE OPPORTUNITY TO SPEAK ON THIS ITEM. I THINK WE NEED 30 DAYS TO TAKE A GOOD LOOK AT THIS BECAUSE, FOR EXAMPLE, THE PROPOSED IGCC TYPE OF FACILITY, IT'S NOT A ZERO EMISSIONS PLANT. IT WOULD HAVE, FOR EXAMPLE, DEPENDING UPON THE FUEL SOURCE AND THE EFFICIENCY OF THE CONTROL TECHNOLOGY, MERCURY EMISSIONS. ONE POUND OF MERCURY CONVERTS TO 454 GRAMS IN THE METRIC SYSTEM. ONE SINGLE GRAHAM OF MERCURY, ABOUT A SINGLE GRAIN OF RICE IS ALL IT TAKES TO CONTAMINATE A 20-ACRE LAKE SUCH THAT YOU CANNOT EAT THE FISH. SO ONE OF THESE IGC PLANTS USING THE TECHNOLOGY COULD PUT OUT ANYWHERE FROM 40 TO 50 TO 100 POWN OR MORE OF MERCURY A YEAR. SO YOU MULTIPLE.....MULTIPLY THAT BY 454 AND YOU COME UP WITH A LARGE GRAWNT QUANTITY OF GRAMS OF MERCURY PER YEAR THAT WOULD BE CONTAMINATING LAKES AND THE ECOSYSTEM SOMEWHERE DOWNWIND. WE CAN HAVE ACID RAIN DEPENDING UPON THE SULPHUR CONTENT OF THE COAL OR METROPOLITAN COKE. AND THE SCRUBBING TECHNOLOGIES. WE WOULD HAVE EMISSIONS OF NITROGEN OXIDES FROM THE BURNING OF THE COMBUSTION AIR WITH THE FUEL. IN THE PAST FEW YEARS THE ENVIRONMENTAL PROTECTION AGENCIES THAT HAD A PANEL OF 23... 23 EXPERTS TO CLEAN AIR ADVISORY COUNCIL ON OZONE, THE OZONE EXPERT PANEL, WHICH CONCLUDED THEIR WORK LAST YEAR THAT OUR CURRENT OZONE STANDARDS ARE NOT PROTECTING HEALTH. RIGHT NOW AUSTIN SUFFERS IN THE LOW 80'S AT THE PEAK LEVELS, BUT THE E.P.A. LEVEL OF 23 SCIENTIST HAZARD A

UNANIMOUS RECOMMENDATION THAT THE CURRENT STANDARDS NEED TO BE REVISED BECAUSE THEY DON'T PROTECT PUBLIC HEALTH. THEY RECOMMEND REVISING THEM DOWN IN THE RANGE OF 60 TO 70 PARTS PER BILLION OVER EIGHT HOURS. THAT WOULD THROW A VERY LARGE PORTION OF NOT JUST TRAVIS COUNTY, BUT THE ENTIRE EASTERN HALF OF THE STATE OF TEXAS INTO OZONE NON-ATTAINMENT. IF THAT WERE TO HAPPEN, WHICH WE DON'T KNOW WHEN THE E.P.A. ADMINISTRATOR WILL BE LOOKING AT THESE RECOMMENDATIONS TO DO SOMETHING ABOUT THE OZONE STANDARD BECAUSE IT'S NOT PROTECTIVE OF PUBLIC HEALTH AS THE CLEAN AIR ACT REQUIRES. SO SOMETIME LATER THIS SPRING THE ADMINISTRATOR WILL BE TAKING A LOOK AT THIS EVALUATION BY THE PANEL OF SCIENTISTS. AND HOPEFULLY THEY'RE GOING TO MOVE FORWARD, BUT IN THE COMING YEARS IT'S QUITE POSSIBLE WE WILL HAVE A NEW OZONE STANDARD WHICH WILL HAVE TREMENDOUS CONSEQUENCES FOR ALL OF CENTRAL TEXAS, SOUTH TEXAS, THE HOUSTON AREA. WE WILL BE LOOKING FOR EVERY FRACTION OF OZONE REDUCTIONS POSSIBLE. THAT'S WHY WE NEED TO TAKE A LOOK AT WHETHER THIS TECHNOLOGY IS SOMETHING YOU REALLY WANT TO DO VERSUS LOOKING AT CONSERVATION, ENERGY EFFICIENCY AND RENEWABLES. THANK YOU.

...

Mayor Wynn: THANK YOU, MR. CARMINE. THAT CONCLUDES OUR CITIZEN SPEAKERS ON THIS ITEM NO. 5. IF YOU DON'T MIND, I WOULD LIKE TO LEAD OFF WITH A FEW COMMENTS. I WILL SAY THAT I BELIEVE STAFF ALSO IS VERY DISAPPOINTED IN THAT THIS POSTING LANGUAGE, THE ORIGINAL RESOLUTION SEEMS TO HAVE BEEN MISS..... MISINTERPRETED AS STRONGLY AS IT HAS. I SENT OUT A LETTER TWO DAYS AGO -- EARLY YESTERDAY TO A HANDFUL OF FOLKS THAT I HOPED COULD HELP ME DISSEMINATE IT, BUT THE FACT OF THE MATTER IS ITEM 5 IN NO WAY ALLOWS AUSTIN ENERGY TO MOVE FORWARD WITH A COAL PLANT, NOT EVEN AN IGCC COAL PLANT, WHICH IS

CONSIDERED RIGHT NOW PROBABLY TO BE THE CLEANEST POTENTIAL TECHNOLOGY IN COAL. ITEM NUMBER 5 IS ULTIMATELY DIRECTING -- ALLOWING AUSTIN ENERGY OFFICIALS TO GO DOWN TO MATAGORDA COUNTY AND TO BEGIN ANALYZING AND LOOKING FOR OPPORTUNITIES FOR LAND PURCHASES DOWN THERE. MOST PEOPLE KNOW THAT THAT PART OF THE STATE IS RELATIVELY UNIQUE IN THAT IT HAS THE POTENTIAL FOR WHAT SEEMS TO BE THE GROWING TECHNOLOGY FOR CARBON CAPTURE -- SEQUESTRATION OF CARBON CAPTURE, AND THAT WILL BE ABANDONED DEPLETED OIL FIELDS AND LARGE SALT DOMES. THE VAST MAJORITY OF THE PLANET HAS NEITHER OF THOSE TWO GEOLOGICAL FEATURES. AND SO IN FACT TO MAKE THAT STATEMENT EVEN STRONGER, I HELPED DRAFT A REVISED RESOLUTION THAT IS NOW OFFICIALLY PART OF THE BACKUP AND SO IT'S TECHNICALLY NOT AN TEAMD AEMD, BUT WOULD LIKE TO READ INTO THE RECORD THESE ADDITIONAL ITEMS ON THIS RESOLUTION. IT ESSENTIALLY BEGINS WITH POINT NUMBER 4. I'LL POINT OUT THAT WE GO SO FAR AS TO NOT EVEN MENTION I WANT GUILTY CRMENT CRMENT IN HERE BECAUSE -- IGCC IN HERE BECAUSE AS SOMEBODY POINTED OUT, THERE'S A SPECTRUM OF HOW MUCH CARBON REDUCTION THERE CAN BE HAD BY THAT TECHNOLOGY, A GASIFICATION OF COAL SO THAT IT BURNS NOT UNLIKE NATURAL GAS. NATURAL GAS OF COURSE DOES EMIT CARBONS WHEN YOU PRODUCE ELECTRICITY. A LOT LESS THAN PULL PULVERIZED COAL, BUT CARBON DOES GET EMITTED NONETHELESS. AND SO THERE COULD BE AN IGCC PLANT THAT STILL CLEARLY EMITS A FAIR AMOUNT OF CARBON BECAUSE IT'S JUST A GASIFICATION OF A COAL. THEN THE THINKING, THE CONVENTIONAL WISDOM AND TECHNOLOGY IS THE SPECTRUM GOES ALL THE WAY OVER TO USING IGCC TECHNOLOGY TO GAS FI COLE AND THEN TO FULLY CAPTURE THAT RELEASE CARBON. AND THEN CHALLENGE OF COURSE WOULD BE TO SEQUESTER THAT. AND SO BY ALLOWING AUSTIN ENERGY TO BEGIN TO ANALYZE THE REAL ESTATE OPPORTUNITIES DOWN THERE, WE GIVE AUSTIN ENERGY THE OPPORTUNITY TO PERHAPS -- IF A LATER DECISION IS EVER MADE ABOUT

GENERATION AND IF THAT DECISION ABOUT GENERATION HAPPENS TO BE RELATED TO COAL, THEN THERE'S THIS OPPORTUNITY AS THAT ANALYSIS TO SEE HOW FAR DOWN THAT CLEAN COAL OR GREEN COAL TECHNOLOGY COULD BE HAD. SO THE ADDITIONAL POINT TO THIS RESOLUTION QUICKLY WILL READ, ITEM NUMBER 4, THAT THE PROPERTY ACQUIRED PURSUANT TO THIS RESOLUTION SHALL NEVER BE USED FOR THE CONSTRUCTION OR OPERATION OF ANY GENERATION UNIT THAT EMPLOYS COAL BURNING TECHNOLOGY OTHER THAN CLEAN COAL TECHNOLOGY. THEN FURTHER, THE COUNCIL FURTHER STIPULATES THAT NEITHER THE CITY NOR AUSTIN ENERGY SHALL CONSTRUCT OR OPERATE OR PARTNER IN THE CONSTRUCTION OR OPERATION OF ANY FUTURE GENERATION UNIT WHATSOEVER THAT EMPLOYS COAL BURNING TECHNOLOGY OTHER THAN CLEAN COAL TECHNOLOGY. AND FURTHER, THAT ANY FUTURE INVESTMENT IN COAL POWERED ELECTRIC GENERATION SHALL USE THE CLEANEST TECHNOLOGIES AVAILABLE, REDUCING EMISSIONS OF POLLUTANTS TO LOWEST EMISSION RATES POSSIBLE. AND FURTHER, NEITHER THE CITY NOR AUSTIN ENERGY SHALL COMMERCIALY OPERATE ANY NEW COAL FIRED GENERATION CAPACITY UNLESS SOARLSED EMISSIONS OF CARBON DIOXIDE ARE CAPTURED AND SCWES..... SEQUESTERED OR PUT TO A BENEFICIAL USE. AGAIN, EVEN INDEPENDENT OF THAT ADDITIONAL STRONG LANGUAGE, ITEM NUMBER 5 STILL DOES NOT ALLOW FOR AUSTIN ENERGY EVEN IN THE FUTURE TO MAKE AN INDEPENDENT DECISION ABOUT GENERATION. THAT WOULD STILL HAVE TO COME BACK TO US, LIKELY A FUTURE COUNCIL. I WANT TO POINT OUT A COUNSELOR OF FACTS THAT MANY OF YOU ALL KNOW, CONCEPTS YOU KNOW, BUT JUST TO MAKE SURE WE'RE ON THE SAME PAGE. IF AUSTIN ENERGY HAS THE ABILITY TO MEET ALL OF OUR GROWING LOW DEMAND WITH CONSERVATION AND RENEWABLES -- AND I'M STRIVING REALLY, REALLY HARD FOR THAT TO BE THE CASE, IF WE CAN DELIVER 100% OF THAT ADDITIONAL LOAD, ALL OF IT, WITH EFFICIENCIES AND RENEWABLES, WE STILL WILL BE HAVING 80, 85 PERCENT OF OUR UTILITY'S GENERATION COMING

FROM FAYETTE COUNTY AND COMING FROM SAND HILL EMITTING A MEASURABLE AMOUNT OF CARBON. WE HAVE TO ACTUALLY REDUCE, DRAMATICALLY REDUCE OUR EXISTING CARBON FOOTPRINT BOATS AS A UTILITY AND AS A REGIONAL ECONOMY. IF AUSTIN ENERGY SHOULD HAVE MAY SOME PROPERTY IN A VERY STRATEGICALLY LOCATED PART OF THE PLANET, WE COULD ACTUALLY START DOING WHAT FUNDAMENTALLY MAY NEED TO HAPPEN LONG-TERM, WHICH IS ACTUALLY SHIFTING OUR EXISTING BASE LOAD. AND BECAUSE IT'S NOT JUST TRYING TO CAPTURE 100% OF THE GROWTH IN DEMAND OF ELECTRICITY WITH RENEWABLES IN CONSERVATION, IT'S DOING SOMETHING ABOUT OUR CURRENT FOOTPRINT. TO THE EXTENT THAT THERE IS TECHNOLOGY THAT ALLOWS FOR A FUTURE GENERATING PLANT TO BE CONSTRUCTED IN A HAS FULL CARBON CAPTURE AND SCWES SEQUESTRATION, WHY WOULDN'T WE WANT TO DO THAT? WHY WOULDN'T WE WANT TO THINK ABOUT PHASING OUT FAYETTE, FACING OUT SAND HILL AS RECENT AS IT IS, JUST LIKE WE HAVE PHASED OUT SEAHOLM, JUST LIKE WE ARE PHASING OUT HOLLY BECAUSE OF INEFFICIENCIES AND POLLUTANTS. SO IT'S NOT JUST THE CHALLENGES. IT'S A BIG CHALLENGE AND REAL CHALLENGE AND WE'RE TRYING TO MEET IT, WHICH IS THE GROWING DEMAND, IS DOING SOMETHING ABOUT OUR CURRENT FOOTPRINT BECAUSE THE SCIENTISTS MAKE IT VERY CLEAR WE HAVE A HANDFUL OF YEARS TO STATISTIC MAKING AN IMPACT -- TO START MAKING AN IMPACT OTHERWISE WE ARE IN DIRE STRAITS WHEN IT COMES TO GLOBAL CLIMATE CHANGE AND AUSTIN ENERGY IS GOING TO MAINTAIN ITS NATIONAL AND INTERNATIONAL LEADERSHIP WHEN IT COME TO THE ENVIRONMENTAL CHALLENGE OF DELIVERING POWER TO A GROWING POPULATION AND ON GROWING ECONOMY. I FEEL VERY CONFIDENT THAT MY COUNCIL COLLEAGUES BELIEVE THAT, THAT THE CITY MANAGEMENT BELIEVE BELIEVES THAT AND THAT THE OFFICIALS AT AUSTIN ENERGY BELIEVE THAT. DWOA....WE DO HAVE A GREAT REPUTATION RIGHT NOW AND IN NO WAY WOULD WE ALLOW ANY OF THESE ACTIONS TO

COMPROMISE THAT. IN FACT, I WOULD CHALLENGE YOU AND SUGGEST THAT BY ALLOWING US TO HAVE THE REAL ESTATE FLEXIBILITY THAT THIS MIGHT ALLOW FOR IN THE FUTURE, THEN WE HAVE THE ABILITY TO GO SO MUCH FURTHER THAN WHAT OTHERWISE IS PERCEIVED TO BE A REMARKABLE PROGRESSIVE UTILITY. I'LL YIELD THE MIC, BUT I WILL BE SUPPORTING US MOVING FORWARD ON THE POSTED RESOLUTION LANGUAGE ON ITEM NO. 5, WHICH ESSENTIALLY IS A REAL ESTATE POTENTIAL FOR AUSTIN ENERGY, NOT THE APPROVAL OF ANY GENERATION AND CERTAINLY NOT OF A COAL PLANT. SORRY TO BE SO LONG-WINDED, COUNCIL. COMMENTS, QUESTIONS? I'M SORRY, LUKE METZGER, ONE OF THE PEOPLE I CALLED OUT EARLIER, I CALLED YOU EARLIER AND I APPRECIATE THE FACT THAT IT'S REAL DIFFICULT TO ANTICIPATE WHEN THESE ITEM COME UP.

I APOLOGIZE FOR ONLY GETTING HERE NOW. MY NAME IS LUKE METZGER, THE DRERKT OF.....DIRECTOR OF ENVIRONMENT TEXAS. ENVIRONMENT TEXAS IS A STATEWIDE CITIZENS ADVOCACY OR ORGANIZATION AND I'D WANT TO FIRST START BY THANKING THE COUNCIL AND MAYOR WYNN FOR YOUR LEADERSHIP ON THE ISSUE OF CLIMATE CHANGE AND CLEAN ENERGY. AUSTIN IS TRULY A NATIONAL LEADER AND WE'RE EXTREMELY GRATEFUL FOR WHAT AUSTIN ENERGY HAS DONE ON RENEWABLES, ON GREEN BUILDING, ON PUSHING HYBRID. THIS IS ALL FANTASTIC AND I'M PROUD OF WHAT MY CITY IS DOING. HOWEVER, I DO WANT TO WARN THE CITY ABOUT GOING DOWN THE PATH OF INVESTING IN A COAL PLANT, EVEN IF IT IS AN IGCC WITH CARBON STORAGE. THERE ARE A LOT OF PROBLEMS ASSOCIATED WITH THAT TECHNOLOGY STILL. I HAVE A LETTER SIGNED BY A NUMBER OF ENVIRONMENTAL LEADERS, INCLUDING KAREN HAYDEN, JEFF BROOKS, DEE MOREHEAD, AND ANOTHER ENVIRONMENTAL LEADER TOLD ME AFTER I PRESSED PRINT, TOLD ME TO ADD HIS FAME, DAVID FOSTER WITH CLEAN WATER, AND TEXAS COMMUNITY PROJECT. MY TWO CONCERNS ARE RELATED TO COAL MINING AND THE CONCERNS ABOUT CARBON STORAGE. COAL MINING CAN SERIOUSLY CON TEXAS A&M NAITS

WATER SUPPLIES. IN 2004 COAL MINES REPORTED THE RELEASE OF MORE THAN 13,000 POUNDS OF CHEMICALS IN LANDFILLS OR DIRECTLY TO STREAMS, INCLUDING EMISSIONS OF AMMONIA, LEAD. THEY CAN KILL STREAM LIFE AND MAKE WATER SUPPLIES UNDRINKABLE. WHEN WE TALK ABOUT CLEAN COAL WE NEED TO LOOK AT THE ENTIRE LIFE CYCLE OF COLE AND REMEMBER FIRST WE'RE DIGGING IT OUT OF THE GROU WITH INCREDIBLY TOXIC CHEMICALS, THEN WE'RE TRANSPORT ING IT ON TRAINS THAT -- DIESEL TRAINS ARE OFTEN VERY POLLUTE PLOOUTING. BUT THEN I THINK ONE OF THE BIGGEST CONCERNS IS RELATED TO CARBON STORAGE. AND CERTAINLY THAT'S A TECHNOLOGY THAT WE ENCOURAGE CONTINUED REEFN..... RESEARCH INTO. BUT AT THIS POINT ACCORDING TO THE DEPARTMENT OF ENERGY'S RECENT ESTIMATES, IT'S NOT A PROVEN TECHNOLOGY YET AND THERE ARE PROBLEMS. SO, FOR EXAMPLE, THE BUSTEST CONCERN IS DEFINITELY RELATED TO HOW WE WOULD STORE THE CARBON DIOXIDE. THE TECHNOLOGY IS STILL PRETTY I AM..... IMMATURE AND IT'S GOT SERIOUS QUESTIONS ABOUT ITS FUTURE VIABILITY. RIGHT NOW OF COURSE WE'VE DONE SOME STORAGE OF CARBON THROUGH EXISTING OIL FIELDS, BUT WE HAVEN'T DONE ANYTHING AT THE SCALE OF A UTILITY. AND IF WE WERE TO -- IF WE SAY CLEAN COAL AND CARBON STORAGE IS THE FUTURE, THAT WOULD REQUIRE INJECTING ROUGHLY TWO BILLION METRIC TONS OF CARBON DIOXIDE ANNUALLY UNDERGROUND. [BUZZER SOUNDS] THAT WOULD CAUSE A LOT OF PROBLEMS. IF THERE WAS WHAT'S CALLED A BURP AND THE CARBON WAS RELEASED INTO THE THE ATMOSPHERE, THAT COULD CAUSE SERIOUS PROBLEMS NOT ONLY FOR THE CLIMATE, BUT ALSO FOR WILDLIFE AND HUMAN LIFE NEARBY THAT'S HAVING THAT MASSIVE AMOUNT RELEASED. THANK YOU VERY MUCH.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: I HAVE A QUESTION FOR STAFF, MR. DUNCAN, I BELIEVE.

...IN LIGHT OF SOME OF THE TESTIMONY WE'VE HEARD HERE THIS AFTERNOON, I'M TRYING TO UNDERSTAND DESPITE THE MAYOR'S ELOQUENT EXPLANATION, THE GENERATION AND WHY IT WOULDN'T BE AVAILABLE SIMPLY WITH CONSERVATION MEASURES.

COUNCILMEMBER, THE LOW FORECAST THAT WE HAVE PROJECTED HAS A NUMBER OF MEGAWATT HOURS PROJECTED FOR FUTURE ON LOADS. WE HAVE ESTABLISHED PER COUNCIL DIRECTIVE A FEW YEARS AGO IN 2003 A NEW STRATEGIC PLAN THAT RAMPD UP OUR CONSERVATION ENORMOUSLY. WE ARE NOW ACHIEVING 50-MEGAWATTS A YEAR OF ENERGY CONSERVATION. IN ESSENCE WE HAVE ALREADY UNDERTAKEN A PROGRAM SO THAT WE WILL BUILD ANOTHER 500-MEGAWATT PLANT FROM ENERGY CONSERVATION MEASURES OVER THE NEXT 10 YEARS. FRANKLY, WE ARE STRAINING TO REACH THAT GOAL. WE REACHED IT LAST YEAR. WE ACHIEVED 54-MEGAWATTS OF ENERGY CONSERVATION. AND IT IS BY FAR I THINK THE BEST ACHIEVEMENT OF ANY UTILITY IN THE NATION IN TERM OF ENERGY CONSERVATION. THE BEGAN THAT WE ARE LOOKING AT IN TERMS OF MEGAWATT HOURS AND AROUND THE 2012 TIME FRAME OR SO, HAS ALREADY TAKEN INTO ACCOUNT THE ENERGY CONSERVATION MEASURES THAT SHE HAS IN PLACE. IF WE WERE NOT DOING ALREADY WHAT WE ARE DOING IN ENERGY CONSERVATION, WE WOULDN'T BE TALKING ABOUT A GAP IN THE FUTURE. THE GAP WE'RE TALKING ABOUT IS BASE LOAD GENERATION AS OPPOSED TO PEAK LOAD, WHICH MEANS DIFFERENT TYPES OF CONSERVATION PROGRAMS THAT DON'T JUST OPERATE ON A HOT SUMMER DAY, BUT OPERATE 24/7. AND WE DO HAVE SOME OF THOSE MEASURES AND WE NEED TO DO MORE. AND WITHIN THE TIME FRAME THAT WE'RE TALKING ABOUT TO ACHIEVE IT AND WE DID ELIMINATE A POWER PLANT MANY YEARS AGO OF 500-MEGAWATT POWER PLANT, BUT IT TOOK US WELL OVER A DECADE TO INSTALL THE NOWRZ DO THAT. WITHIN THE TIME FRAME WE'RE TALKING ABOUT AND THE AMOUNT OF ENERGY WE'RE TALKING ABOUT, EVEN OUR MOST ADVANCED ENERGY CONSERVATION MEASURES

ARE NOT ABLE TO COVER THAT GAP.

Cole: HOW DOES THAT INTERPLAY WITH THE RENEWABLE ENERGY PROGRAM AND WOULD ANY OF THOSE SOURCES PERHAPS ELIMINATE THE NEED FOR THIS COAL PLANT AS YOU SEE IT RIGHT NOW?

I'M SORRY, ASK AGAIN, HOW DO WE SEE THAT IT ELIMINATES THE NEED FOR THE COAL PLANT?

Cole: WHAT I'M TRYING TO UNDERSTAND IS I BELIEVE THAT WE HEARD TESTIMONY OR SAW IN A LETTER THAT NOT ONLY COULD WE ACHIEVE THE 300-MEGAWATTS THROUGH CONSERVATION MEASURES, WE NEED TO BE PUTTING MORE EMPHASIZE INTO OTHER RENEWABLE ENERGY PROGRAMS SUCH AS WIND AND SOLAR. WHAT I WANT TO UNDERSTAND IS THAT THIS PLANT IS STILL NEEDED.

WE ALREADY HAVE THE WIND AND SOLAR AND THE TYPE OF ENERGY THAT WE NEED. IT'S 300-MEGAWATTS OF BASE LOAD ENERGY, WHICH IS ENERGY 24 HOURS A DAY, SEVEN DAYS A WEEK. SOLAR AND WIND, WHICH WE ARE PUSHING FOR WITH VERY AGGRESSIVELY, ARE INTERMITTENT SOURCES, AND WITH THE ADDITION OF STORAGE EVEN YOU NEED MORE SOLAR AND WIND WHERE YOU CAN PUT, SAY, GAS INTO IT 24 HOURS AND SEVEN. SO IF YOU WANTED TO ACHIEVE THE SAME AMOUNT OF ENERGY OUT OF A 300-MEGAWATT NATURAL GAS PLANT WITH SOLAR OR WIND, YOU WOULD NEED A THOUSAND MEGAWATTS OR MORE OF SOLAR AND WIND WITH STORAGE ADDED TO THAT TO ACHIEVE THE SAME ENERGY. THERE'S ONLY 2,000-MEGAWATTS OF WIND IN THE ENTIRE STATE OF TEXAS RIGHT NOW. WITH THE TIME FRAME WE'RE TALKING ABOUT IN THE NEXT FEW YEARS, WE DO NOT SEE THE CAPABILITY TO OFFSET THAT AMOUNT OF BASE LOAD ENERGY THROUGH SOLAR AND WIND AND ENERGY EFFICIENCY ON TOP OF WHAT WE ARE ALREADY DOING. BECAUSE YOU'RE TALKING ABOUT MUCH MORE THAN DOUBLING OUR CURRENT EFFORTS AND WE'RE ALREADY NATIONAL LEADERS IN THESE EFFORTS.

Cole: OKAY. I HAVE ONE.... ONE LAST QUESTION FOR YOU. AS WE HAVE NOT EMBARKED BEFORE IN A PARTNERSHIP WITH ANOTHER CITY AND WE ARE CONTEMPLATING DOING THIS WITH SAN ANTONIO, CAN YOU GIVE A BRIEF OVERVIEW OF WHAT YOU ENVISION THAT AGREEMENT LOOKING LIKE OR WORKING LIKE AS Y'ALL JOINTLY TRY TO ACQUIRE LAND?

IF YOU WILL, COUNCILMEMBER, I'M GOING TO REFER TO DEPUTY GENERAL MANAGER BOB KAHN WHO HAS BEEN WORKING ON THAT AGREEMENT AND HAS MORE INFORMATION ABOUT IT.

AFTERNOON. BOB KAHN WITH.....AHN WITH AUSTIN ENERGY. THE WAY WE'RE SETTING THIS UP IS WE'RE GOING TO HAVE A COMMITTEE OF BOTH PARTIES ON JOINTLY PROCURING THE PROPERTY. SM WILL RES..... THE REZONATION YOU'RE PASSING ALLOWS US TO GO OUT ON OUR OWN IF WE FEEL IT'S NECESSARY. WE WANT TO WORK TOGETHER IN JOINTLY PROCURING IT AND THEY COULDN'T GO OUT AND PROCURE LAND UNLESS WE WERE ALL ON BOARD WITH IT.

Cole: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 5.

Cole: MAYOR, I MOVE THAT WE SEPTUM NUMBER FIVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER COLE THAT I'LL SECOND, WHICH IS TO SEPTUM NUMBER 5 WHICH IS POST UNDERSTAND OUR BACKUP. THIS IS NOT APPROVING ANY GENERATION WHATSOEVER. THAT DECISION IS LONG IN THE FUTURE AND WOULD COME BACK BEFORE -- NOT ONLY BEFORE THIS BOARD, BUT I WILL SAY I AM WILLING AND I KNOW THE COLLEAGUES WOULD JOIN ME AND AUSTIN ENERGY STAFF CAN HELP ME PULL THIS OFF, BUT NOT JUST A 6:00 PUBLIC HEARING IN A CITY COUNCIL MEETING REGARDING LONG-TERM STRATEGIC PLANS FOR AUSTIN

ENERGY, BUT IN FACT A TRUE WORKING, TOWN HALL WHERE WE SIT DOWN AS A COMMUNITY AND TALK THROUGH AND ANALYZE THE CHALLENGES OF A GROWING POPULATION, GROWING ECONOMY, WHILE AT THE SAME TIME CHALLENGING OURSELVES ON EACH ASPECT OF OUR CONSERVATION, RENEWABLES PLAN, AND THEN FUTURE TECHNOLOGIES, POTENTIAL PARTNERSHIPS, ETCETERA. I GLADLY APPRECIATE THE INPUT AND COOPERATION AT THAT TOWN HALL MEETING OR MEETINGS. COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, AGAIN, I WANT TO EMPHASIZE ITEM 5 ONLY APPROVES THE REAL ESTATE TRANSACTION AND IN NO WAY COMMITS THE CITY TO BUILD A COAL PLANT OR ANY OTHER KIND OF COAL PLANT OR ENTER INTO ANY KIND OF PARTNERSHIP WITH ANY OTHER ENTITY TO BUILD ANY TYPE OF PLANT. AND THERE'S BEEN A CALL TONIGHT FOR PUBLIC HEARINGS WITH REGARD TO CONSTRUCTION OF AN ELECTRIC PLANT, AN ELECTRIC GENERATION PLANT. THERE WILL BE ASM TIME TO DO THAT, AND I FEEL CONFIDENT THAT THAT WILL OCCUR. I AM ALSO ASSURED BY THE DRAFTING OF THE RESOLUTION THAT THE MAYOR OUTLINED THAT ABSOLUTELY COMMITS THIS COUNCIL NOT TO ENTER INTO ANY AGREEMENT THAT WOULD RESULT IN A COAL GENERATION PLANT WITH ANYTHING LESS THAN CLEAN COAL TECHNOLOGY. AND WE REALIZE THAT THE TECHNOLOGY, ENL.... ESPECIALLY THE CARBON SEQUES ADMINISTRATION IS YET TO BE A PROVEN TECHNOLOGY AND UNDERSTAND THAT WE WON'T UNDERTAKE THAT UNTIL THAT TECHNOLOGY IS PROVEN. WITH REGARD TO ENERGY CONSERVATION, THIS IN NO WAY AFFECTS OUR REALLY NATION-LEADING EFFORT TO GO AHEAD WITH RENEWABLE ENERGY. THIS IS A MULTITRACK OPERATION. WE'LL BE PURSUING THOSE OPTIONS AS WELL. SO WITH ALL THOSE UNDERSTANDINGS I WILL SUPPORT THE MOTION. MOISTURE MAYOR FURTHER COMMENTS, --

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? A MOTION AND A SECOND ON THE TAINL TAIBL TO

APPROVE ITEM NO. 5. ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSE? MOTION PASSES BY A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN OFF THE DAIS. DO YOU WANT TO LEAD TO US ALL OUR -- A RELATED ITEM, 23 AND 24, SOME VERY AGGRESSIVE SOLAR OPPORTUNITIES FOR US.

YES, MAYOR. AND I'LL QUICKLY MENTION ALL THREE OF THE ITEMS THEN. ITEM 6 IS AN ITEM TO NEGOTIATE AND CUT AN AGREEMENT BETWEEN THE SUSTAINED THE TEXAS YES OR NO LAND OFFICE FOR -- TEXAS GENERAL LAND OFFICE FOR AN OPTION TO LEASE FLAND THE TEXAS GENERAL LAND OFFICE FOR A CONCENTRATED SOLAR POWER PLANT. THE FIRST PHASE OF THE OPTION PROVIDES FOR RESEARCH AND INVESTIGATION OF THE SITE FOR SOLAR FEASIBILITY AND CONSTRUCTION OF A SOLAR POWER PLANT. PHASE TWO PROVIDES FOR A 50-YEAR TERM TO OPERATE A COMMERCIALY PRODUCING SOLAR POWERED ELECTRIC GENERATION PLANT. THIS SITE HAS THE CAPABILITY TO HOLD UP TO A 50-MEGAWATT SOLAR PLANT AND IS PART OF OUR PROGRAM TO ACHIEVE THE 100-MEGAWATT COMMITMENT AND GOAL FOR SOLAR POWER THAT THE CITY OF AUSTIN AND AUSTIN ENERGY HAS COMMITTED TO. ITEM NUMBER 23 IS TO AWARD AND NEGOTIATE AND EXECUTE A 12 MONTH AGREEMENT WITH THE 19-YEAR EXTENSIONS FOR UP TO 500 KILL LOW WATTS OF SOLE SOLAR GENERATED POWER AT THE AUSTIN CONVENTION CENTER. WE WOULD COVER THE ROOFTOPS OF THE CONVENTION CENTER WITH SOLAR PHOTO VOA AT AICS AND RECEIVE ENERGY OFF OF THAT SITE FOR A 20 YEAR PERIOD REGARDING A TOTAL ESTIMATED CONTRACT AMOUNT NOT TO EXCEED \$4.3 MILLION. A SIMILAR ITEM IS NUMBER 24 WHERE WE WOULD EXECUTE AN AGREEMENT TO PLACE 210 KILOWATTS OF PHOTO VOA AT AICS AT THE AUSTIN BUILDING SERVICES BUILDING ROOFTOP AT 411 CHICON. AND THAT AGREEMENT IS ALSO FOR A PURCHASE OF POWER FROM THOSE PANELS FOR 20 YEARS AT AN ESTIMATED AMOUNT NOT TO EXCEED \$2 MILLION.

Mayor Wynn: THANK YOU, MR. DUNCAN. I'LL START OFF, WE HAVE A COUPLE OF SPEAKERS ON THIS

ITEM. I WANT TO TAKE THE OPPORTUNITY, THOUGH, ITEM NUMBER 6, THE LANDOWNER, THE PROPOSED LANDOWNER, OF COURSE, IS THE GENERAL LAND OFFICE, AS ROGER MENTIONED. I WANT TO GIVE KUDOS, OUR COMMISSIONER JERRY PATTERSON IN LEADING THAT AGENCY, HAS SHOWN REMARKABLE THINKING WHEN IT COMES TO USING PROPERTIES FOR RENEWABLE ENERGIES. MANY OF THE WIND FARMS IN WEST TEXAS ARE ON STATE LAND. THERE'S SOME AGGRESSIVE PROPOSALS ABOUT OFF... OFFSHORE WIND GENERATION AS WELL. ON STATE PROPERTY. SO THANKS TO COMMISSIONER PATTERSON FOR THIS OPPORTUNITY. COUNCIL, WE HAD ONE -- A COUPLE OF FOLKS WISHING TO SPEAK ON THESE COMBINED ITEMS 6, 23 AND 24. I THINK COLIN CLARK WAS HERE EARLIER, MAY HAVE LEFT. SAM NIXON SIGNED UP IN FAVOR, NOT WISHING TO SPEAK. AND RICHARD MORGAN. I'M NOT SURE IF RICHARD IS STILL HERE, SIGNED UP ALSO IN FAVOR OF THESE COMBINED ITEMS 6, 23 AND 24. IF YOU ALL. COMMENTS, QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEMS -- COMBINED MOTION FOR ITEMS 6 AND RELATED ITEMS 23 AND 24. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS COMBINED MOTION APPROVING POSTED ITEMS NUMBER 6, 23 AND 24 REGARDING SOLAR OPPORTUNITIES FOR AUSTIN ENERGY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONS SND..... OPPOSE SND MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER LEFFINGWELL AND COUNCILMEMBER MCCRACKEN OFF THE DAIS. MR. ROBBINS, WOULD YOU CARE TO ADDRESS US?

THANK YOU. YOU ALL HAVE MANY OTHER THINGS TO DO TONIGHT, SO I'M NOT GOING TO TAKE MORE THAN A MINUTE. I DID WANT TO VERY BRIEFLY RESPOND TO MS. COLE. LOGICAL MINDS MAY DISAGREE, AND I'VE BEEN WORKING ON THE CONSERVATION PROGRAMS AND CLEAN ENERGY

PROGRAMS AS LONG AS MR. DUNCAN, AND I BELIEVE THAT WE CAN DO MORE. AT SOME POINT PROBABLY NOT AT THIS MEETING, I'LL BE GLAD TO SHOW YOU MY NUMBERS. THANK YOU.

Mayor Wynn: THANK YOU, MR. ROB BE BINS. SO COUNCIL, THAT GETS US THROUGH VIRTUALLY ALL OF OUR DISCUSSION ITEM AND ALLOWS US TO TRY TO BEGIN TO CATCH BACK UP WITH OUR ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS POSTD FOR 4:00 O'CLOCK. WELL, I TAKE THAT BACK. SO TO TRY TO BE EFFICIENT WITH EVERYBODY'S TIME HERE, IT SEEMS TO ME THAT SINCE WE HAVE A POSTED CLOSED SESSION ITEM ON AHFC, THAT CAN BE TAKEN UP DURING THE COUNCIL BREAK WHILE PERHAPS I'M OUT HERE FOR LIVE MUSIC AND PROCLAMATIONS, SO AT THIS TIME WE'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN HOUSING FINANCE CORPORATION AND WELCOME MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT. THIS WILL BE VERY BRIEF. WE HAVE TWO ITEMS BEFORE THE AUSTIN HOUSING FINANCE CORPORATION TODAY BEFORE WE WOULD BREAK LATER FOR A CLOSED SESMGHTS AHFC ITEM NUMBER ONE IS TO APPROVE THE MINUTES OF THE YARN 11th, 2007 -- JANUARY 11th, 2007 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

I'LL ENTERTAIN A MOTION, BOARD. MOTION MADE BY THE VICE-PRESIDENT, SECONDED BY BOARD MEMBER COLE TO APPROVE THE POSTED ITEM NUMBER ONE, OUR MINUTES FROM OUR LAST MEETING. ALL IN FAVOR PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

AND AGAIN IN THE INTEREST OF TIME I'LL BRACE RAIS THROUGH THIS SECOND ITEM BECAUSE IT IS ANOTHER GREAT AFFORDABLE HOUSING

OPPORTUNITY BEING BROUGHT FORWARD TO YOU. IT'S TO APPROVE THE NEGOTIATION AND EXECUTION OF A LOAN TO THE BLACKSHEAR NEIGHBORHOOD DEVELOPMENT CORPORATION IN COMPLIANCE WITH ALL APPLICABLE FEDERAL REGULATIONS IN AN 'AMOUNT NOT TO EXCEED \$225,000 TO ACQUIRE PROPERTY LOCATED AT 2412 BRYAN STREET AND TO CONSTRUCT TWO DUPLEXES EXRIEDZ OF FOUR AFFORDABLE HOUSING HOUSING UNITS LOCATED AT THAT SAME SITE AND AT 1705 ROSEWOOD AVENUE. THE PROPERTY TO BE ACQUIRED WAS CITY SURPLUS PROPERTY MADE AVAILABLE TO THE AHFC FOR THE DEVELOPMENT OF AFFORDABLE HOUSING UNDER THE SMART HOUSING SURPLUS PROPERTY PROGRAM. BRYAN STREET PROPERTY WILL BE THE SITE FOR THE CONSTRUCTION OF THE DUPLEX AND THE SECOND DUPLEX IS ON ROSEWOOD AVENUE. THE FOUR UNITS WILL BE TWO BEDROOM UNITS WHICH IS AT \$42,000 A YEAR FOR A FAMILY OF FOUR. THE BLACKLAND NEIGHBORHOOD DEVELOPMENT CORNGS IS A NONPROFIT CORPORATION CERTIFIED BY THE CITY OF AUSTIN AS A COMMUNITY HOUSING DWOANLT ORGANIZATION HAS DEVELOPED APPROXIMATELY 40 UNITS IN THE BLACKSHEAR NEIGHBORHOOD, INCLUDING 27 RENTAL UNITS FOR LOWER INCOME FAMILIES. THE TERMS OF THE LOAN WILL BE FOR 20 YEARS AT ZERO PERCENT INTEREST WITH YEARLY PAYMENTS OF \$9,250 FOR THE DURATION OF THE LOAN PERIOD AND A BALANCE OF \$40,000 FORGIVEN AT THE END OF THE LOAN PERIOD STOWJT BLACKLAND DEVELOPMENT CORPORATION MEETING THE CONDITIONS OF THE LOAN. IT'S AGAIN FUNDED UNDER OUR RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM. IF THERE ARE ANY QUESTIONS I'D OOID BE GLAD TO ANSWER THEM AND I KNOW THAT THERE ARE REPRESENTATIVES OF THE BLACK LAND NEIGHBORHOOD ASSOCIATION HERE AS WELL. STAFF IS PROUD TO BRING THIS ITEM TO YOU FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. QUESTION OF STAFF, COUNCIL? COMMENTS? MOTION BY COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO.

2 AS PRESENTED BY STAFF. SECONDED BY THE VICE-PRESIDENT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO. NOW, I NOTICED WE HAVE A THIRD POSTED ITEM, WHICH IS ACTUALLY TO GO IN CLOSED SESSION PURSUANT TO SECTION 551.072, REAL ESTATE MATTER RELATED TO I HOPE AN AFFORDABLE HOUSING OPPORTUNITY FOR THE COMMISSION.

YES.

Mayor Wynn: SO THEN COUNCIL, WITHOUT OBJECTION, -- BOARD, WITHOUT OBJECTION, SINCE THE CITY COUNCIL MEETING IS TECHNICALLY IN RECESS RIGHT NOW, THE AUSTIN HOUSING FINANCE CORPORATION WILL BE IN CLOSED SESSION TAKING UP ITEM NUMBER 3 WHILE WE BREAK OUT HERE PUBLICLY FOR LIVE MUSIC AND PROCLAMATIONS, AND I ANTICIPATE US COMING RIGHT BACK AFTER THE PROCLAMATIONS, PICKING UP THE CITY COUNCIL MEETING AND MOVING FORWARD WITH THOSE ZONING CASES. AND I APOLOGIZE FOR THE DELAY AND I APPRECIATE EVERYBODY'S PATIENCE. WE ARE NOW IN CLOSED SESSION AS A BOARD OF AHFC. STAY TUNED FOR LIVE MUSIC.

Mayor Wynn: OKAY, FOLKS. WELCOME TO OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL. APPRECIATE EVERYBODY'S PATIENCE. TODAY JOINING US IS DANA FALCONBERRY. SHE IS A MULL FI TALENTED, SINGER, SONG WRITER AND MUSICIAN. SHE PLAYED AT SOUTH BY SOUTHWEST IN 2006..... 2006 AND IS CURRENTLY FEATURED IN THE CURRENT ISSUE OF PASTE MAGAZINE'S CD SAMPLELER. SHE IS CURRENTLY TOURING IN SUPPORT OF HER MOST RECENT EP ENTITLED PAPER SAILBOAT. SHE IS ALSO A MEMBER OF THE EXPERIMENTAL FOLK GROUND PETER AND THE WOLFF. PLEASE JOIN ME IN WELCOMING DANA FALCONBERRY. [APPLAUSE] . [MUSIC PLAYING] [

APPLAUSE]

Mayor Wynn: WELL DONE. SO TELL ME WHERE CAN WE HEAR YOU NEXT? DO YOU HAVE A WEBSITE? HOW CAN WE HEAR YOU AGAIN?

I'LL BE PLAYING AT THE PEACOCK IN EAST AUSTIN ON FEBRUARY EIGHTH, WHICH IS THURSDAY. AND YOU CAN FIND OUT MORE ON MY MYSPACE PAGE, AND CAN YOU BUY MY CRMENT D..... CD THROUGH THERE OR OTHER SPACES.

GO TO MYSPACE AND FIND DANA'S PAGE. I'VE GOT AN OFFICIAL PROCLAMATION THAT READ, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE SAID DED INDICATED OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC.....MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE PROCLAIM TODAY, FEBRUARY 1st, 2007, AS DANA FALCONBERLY DAY IN AUSTIN AND CALL ON ALL AUSTINITES TO JOIN ME IN CONGRATULATING THIS FINE YOUNG TALENT. [APPLAUSE] WHILE DANA BREAKS DOWN ON THAT SIDE OF THE ROOM, I'VE ASKED COUNCILMEMBER COLE TO JOIN ME HEAR BECAUSE YOUR FIRST PROCLAMATION IS HONORING THE ANNUAL BLACK HISTORY MONTH CELEBRATION AND RECOGNITION. KNOW THAT TOMORROW AT 10:30 AT THE CARVER MUSEUM AND LIBRARY, WE WILL HAVE AN EVENT. I HAVEN'T SEEN THE LINEUP YET. REVEREND PARKER, HE'S THE LEAD TALENT ON THE STAGE, BUT ALSO MUSIC ABLED OTHER GREAT EVENTS. I'LL READ THE PROCLAMATION. PRESENTED TO COUNCILMEMBER COLE AND THEN LET COUNCILMEMBER COLE TALK MORE ABOUT NOT ONLY THE EVENT TOMORROW, BUT FUNDAMENTALLY WHAT IT IS WE'RE TRYING TO DO HERE IN AUSTIN AS WE TAKE THE MONTH OF FEBRUARY TO PROMOTE BLACK HISTORY MONTH. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE NATION'S 31st AND OUR CITY'S 11th ANNUAL OBSERVATION OF BLACK HISTORY MONTH

IS BUILT AROUND THE THEME FROM SLAVERY TO FREEDOM, THE STORY OF AFRICANS IN THE AMERICAS. AND WHEREAS AN EVENT AT THE GEORGE WASHINGTON CARVER MUSEUM FEATURING A PANEL OF MOM NENT AUSTIN AFRICAN-AMERICANS AND MUSIC BY THE HUSTON-TILLOTSON CHOIR ON FEBRUARY SECOND AT 10:30 A.M. ALONG WITH THE NEWLY FABRICATED BANNERS LINING CONGRESS AVENUE OR AMONG THE FAN PLANNED FESTIVES. AND WHEREAS WE RECOGNIZE THE GEORGE WASHINGTON CARVER MUSEUM AND CULTURAL CENTER, THE HERITAGE SOCIETY OF AUSTIN AND THE HISTORIC LANDMARKS COMMISSION FOR COORDINATING THIS OBSERVANCE. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO PROUDLY PROCLAIM FEBRUARY 2007 AS BLACK HISTORY MONTH IN AUSTIN AND PLEASE JOIN ME IN WELCOMING THE FIRST AFRICAN-AMERICAN WOMAN TO BE ELECTED TO THE AUSTIN CITY COUNCIL, MS. SHERYL COLE. [APPLAUSE]

Cole: IT IS A BLESSED DAY AND I'M JUST SAYING THAT BECAUSE MY PASTOR IS HERE. I WANT TO MOVE ON TO THE SECOND SET OF PROCLAMATIONS BECAUSE I KNOW THAT'S WHY MANY OF YOU ARE HERE. NORTHEAST PARK IS LOCATED OFF OF LOYOLA LANE AND IT'S CALLED NORTHEAST PARK NOT BECAUSE IT WAS EVER RECEIVED AN OFFICIAL NAMING. IT'S NAMED THAT SIMPLY BECAUSE OF ITS LOCATION. I SEE THIS AS BEING SYMBOLIC OF A PEOPLE THAT AUSTIN HAS NOT HAD A NAME OR HISTORICAL RECOGNITION. THE TWO GENTLEMEN THAT WE WILL RECOGNIZE TODAY AND NAME THAT PARK AFTER HAVE BOTH. THE CITY OF AUSTIN HAS BEEN IN THE PROCESS OF BUYING LAND THROUGHOUT AUSTIN THROUGH ITS DESTINATION PARKS PROGRAM, AND PROFESSOR DEN SHALLLY, ONE OF THE LAST PIECES PURCHASED WAS THE PIECE CONNECTING EAST AUSTIN TO TOWN LAKE. AND BECAUSE OF THAT I CHOSE THAT PARK TO BE NAMED AFTER CAPTAIN WILLIE RAY DAVIS, THE LATE CAPTAIN WILLIE RAY DAVIS AND CAPTAIN LEWIS WHITE. I WOULD ASK THAT YOU COME FORWARD AS I BRING FORWARD THE PROCLAMATIONS AND THE CITY MANAGER, TOBY

FUTRELL, IS DISAPPOINTING THAT SHE CANNOT BE HERE, BUT SHE WANTED TO PROVIDE A FEW WORDS. OBVIOUSLY TO MY FRIEND AND MENTOR, CAPTAIN LOUIE WHITE. AS WE NAME THIS PARK FOR THESE TWO EXTRAORDINARY MEN WHO HAVE JUST CHANGED THE FACE OF TEXAS, WILLIE RAY IS BREAKING BARRIERS IN OUR FIRE DEPARTMENT. WAS AN EXTRAORDINARY MAN AND LEFT QUITE A LEGACY HERE IN AUSTIN. AND CAPTAIN WHITE, YOU ARE VERY, VERY SPECIAL BOTH TO ME AND TO THIS COMMUNITY. YOU HAVE BEEN CARING AND COURAGEOUS BOTH IN YOUR SERVICE IN THE POLICE DEPARTMENT AND BOTH OF YOU PERSONALLY, YOU'VE BEEN GENEROUS IN YOUR ADVICE AND COUNCIL. OUR COMMUNITY AND CITY IS JUST LEASE BLESSED TO HAVE YOU. FOR BOTH OF THESE TWO GENTLEMEN, CONGRATULATIONS. I WISH I COULD BE THERE WITH YOU TONIGHT. I CAN'T THINK OF TWO MEN THAT DESERVE THIS HONOR MORE THAN THE TWO OF YOU. THANKS. CHAP CLAP.....[APPLAUSE]

Cole: I'LL READ THE PROCLAMATION. BE IT KNOWN THAT WHEREAS CAPTAIN WILLIE RAY DAVIS AND LOUIE WHITE MADE NOTEWORTHY CONTRIBUTIONS TO OUR CITY DURING THEIR COMBINED 60 YEARS OF CIVIL SERVICE IN THE AUSTIN FIRE AND POLICE DEPARTMENTS RESPECTIVELY, AND WHEREAS THESE GENTLEMEN PIER NEARED THE -- PIONEERED THE BREAK OF RACIAL BARRIERS IN THE DEPARTMENT BY BECOMING THE FIRST AFRICAN-AMERICAN TO BE APPOINTED TO LEADERSHIP POSITIONS. AND WHEREAS BOTH OFFICERS EXHIBITED BRAVERY, SACRIFICE AND HEROISM BY PUTTING THEIR LIVES ON THE LINE FOR THE CITIZENS OF AUSTIN THROUGHOUT THEIR CAREERS AND ARE MOST DESERVING OF THIS SPECIAL RECOGNITION. NOW THEREFORE I AND WILL WYNN, MAYOR OF THE CITY OF AUSTIN, ALONG WITH THE REST OF THE CITY COUNCIL, DO HERE BY APPROVE RENAMING NORTHEAST DISTRICT PARK AS DAVIS-WHITE DISTRICT PARK. AND I HAVE A PROCLAMATION FOR THE DAVIS FAMILY. [APPLAUSE] A PROCLAMATION -- [APPLAUSE] THESE PROCLAMATIONS ARE FOR THE DAVIS FAMILY, THE WHITE FAMILY AND THE PARKS

DEPARTMENT. CORA, WOULD YOU LIKE TO ACCEPT THE ONE ON BEHALF OF THE PARKS DEPARTMENT?

I SHANT BORE WITH YOU A LENGTHY DESCRIPTION OF WHAT IT WAS LIKE 50 ODD YEARS AGO TO BE A MAN OF COLOR AND GO INTO THE FIRE DEPARTMENT IN AUSTIN, TEXAS. BELIEVE ME, IT WAS NOT EASY. BUT I'LL TELL YOU A LITTLE BIT ABOUT THE MAN WHO DID IT. HE WAS A MAN WHO NEVER WANTED TO DO LESS THAN HIS VERY BEST. HE ALWAYS GAVE HIS ALL. AND I'M PROUD TO SAY HE CLIMBED UP THE HARD WAY. I CAN'T SAY HE LOVED EVERY MINUTE OF IT, BUT HE DID LOVE HIS JOB. I'LL TELL YOU A LITTLE SOMETHING PERSONAL ABOUT HIM. HE LOVED TO TELL JOKES. HE LOVED TO FISH. HE LOVED TO PLAY CHECKERS. WON A FEW TROPHIES PLAYING CHECKERS. AND HE WAS A PERSON THAT YOU COULD GET NEXT TO, GET CLOSE TO, AND HE'S A MAN WHO WOULD WORK THE DAILY CROSS WORD PUZZLE WITH A FOUNTAIN PEN AND RARELY HAD TO GO BACK AND CHANGE A WORD. AND I THINK THAT HE'S VERY DESERVING OF THIS AWARD, AND I SPEAK FOR MYSELF, THE DAVIS FAMILY AND ALL HIS FRIENDS, THE FIREFIGHTERS OF AUSTIN, WHEN I SAY THANK YOU SO MUCH. THIS IS AN HONOR. I DIDN'T MEAN TO NOT RECOGNIZE THE MAYOR AND THE OTHER COUNCILMEMBER, BUT I JUST AM OVERWHELMED. AND THANK YOU ESPECIALLY FOR DOING THIS. THANK YOU SO MUCH. [APPLAUSE]

40 YEARS AGO I DIDN'T KNOW THAT GOD WAS LEADING MY PATTED HERE. I THANK HIM BECAUSE TIMES WERE HARD. AND I THANK EACH AND EVERY ONE OF YOU -- AND I THANK EACH AND EVERY ONE OF YOU HERE TODAY TO BE IN THIS HISTORY-MAKING EVENT, BECAUSE NO BLACK FIREMAN OR POLICE OFFICER HAS EVER BEEN RECOGNIZED IN THIS MANNER IN AUSTIN, TEXAS. AND I THINK EACH AFRICAN-AMERICAN SHOULD BE HAPPY TODAY BECAUSE THIS IS THE BEGINNING OF SOMETHING BIG. AND MOST OF ALL, I WANT TO THANK MS. SHERYL COLE FOR HAVING THE BRAVERY AND FOR HAVING THE COURAGE TO PUT THIS ON THE TABLE. AND I WANT TO THANK THE MAYOR, THE CITY MANAGER AND ALL THE COUNCILMEMBERS AND

THEIR STAFF FOR SUPPORTING HER BECAUSE SHE COULD NOT DO IT BY HERSELF. AND LAST BUT NOT LEAST, I WANT TO THANK MY WIFE LOIS, WHO PUT UP WITH ME FOR ABOUT 44 YEARS. [APPLAUSE]

THERE WERE GOOD TIMES AND BAD TIMES, BUT SHE WAS THERE BESIDE ME. AND IF I WAS MOVING TOO SLOW SHE WOULD GET IN FRONT AND LEAVE ME. SO LOIS, I THANK YOU SO MUCH. ABE THANK YOU, EVERYBODY. AND THANK YOU, EVERYBODY.

Cole: I DIDN'T WANT TO FORGET COUNCILMEMBER MARTINEZ FOR ALSO SPONSORING THIS EVENT WITH ME. DID YOU HAVE A FEW WORE? YOU'RE FINE? OKAY. THANK YOU.

GOOD AFTERNOON, EVERYONE. FIRST OF ALL, I WANT TO SAY I JUST HAD TO SAY A FEW WORDS TO MAYOR WILL WYNN AND TO THE CITY COUNCIL. MY HAT GOES OFF TO -- I WAS GOING TO SAY SISTER, BUT COUNCILMEMBER COLE. I'D LIKE TO RECOGNIZE ALSO OUR ASSISTANT CITY MANAGER CHIEF MCDONALD FOR HIS SUPPORT ON NOT ONLY THIS ISSUE, BUT ON MANY ISSUES. AND TO MY DIRECTOR, WARREN STRUSE, WHO LEADS ONE OF THE BEST DEPARTMENTS IN THE CITY OF AUSTIN. I WAS COMPELLED TO SAY A FEW WORDS BECAUSE I WANT YOU TO KNOW THAT THIS IS PROBABLY THE PROUDEST DAY OF MY LIFE. ON TWO LEVELS, ONE AS A CITY EMPLOYEE. AND I'M WEARING MY CITY EMPLOYEE PEN TODAY BECAUSE I WANT YOU TO KNOW THAT I AM TRULY PROUD OF THE CITY OF AUSTIN. THIS IS A WITHOUT FOR NOT ONLY AUSTIN, BUT IT'S A WOW FOR THE AFRICAN-AMERICAN COMMUNITY, IT'S A WOW FOR MY FAMILY. AND THE CLOSEST THING THAT I CAN SHARE WITH YOU ABOUT HOW I FEEL IS TO GIVE YOU A PARALLEL OF A MOVIE THAT I SAW A FEW YEARS AGO THAT WAS CALLED DRIVING MISS DAISY. WHEN I FIRST SAW THAT MOVIE I HAD TO WATCH OUT. IT WAS MUCH TOO PAINFUL FOR ME TO SIT THROUGH BECAUSE I SAW THAT MOVIE OF MORGAN FREEMAN, WHO WAS THE PERSONAL DRIVER FOR MS. DAISY, AND IN THE AFRICAN-AMERICAN COMMUNITY WE SAY MISS CRAZY. HE DEDICATED HIS LIFE TO SERVING MISS DAISY, A WOMAN OF A DIFFERENT NATIONALITY,

HIS CAPACITY WAS ONE OF SERVITUDE, WHICH IS GREATER THAN BEING ANY KING TO SERVE SOMEONE. AND WHEN I SAW THAT MOVIE THE FIRST TIME AND I LITERALLY RAN OUT OF THE THEATER BECAUSE I IMAGINED THAT IT WAS VERY DIFFICULT TO GO HOME EVERY NIGHT TO HIS FAMILY WHERE I WAS THE HEAD OF HIS HOUSEHOLD. AND THE ONLY THING I COULD THINK OF IS THE REASON THAT HE WAS ABLE TO GET UP EVERYDAY WITH FRESH COMMITMENT, WITH NEW DETERMINATION WAS BECAUSE OF THE FAMILY THAT SUPPORTED HIM IN THE GOOD TIMES AND IN THE BAD TIMES. I KNOW THAT MUST HAVE HAPPENED FOR CAPTAIN WHITE, IT HAPPENED FOR CAPTAIN DAVIS. HE CAME FROM A STRONG FAMILY. I WANT TO RECOGNIZE MY MOTHER BECAUSE I KNOW EVERY NIGHT THAT HE CAME HOME IN THE 1950'S AND HE HAD TO BE LIFTED UP TO RETURN TO WORK THE NEXT DAY, IT WAS BECAUSE OF THIS WOMAN WHO REMINDED HIM OF WHO HE WAS AND REMINDED HIM THAT HE CAN DO ANYTHING WITH GOD. HE CAN ACCOMPLISH ANYTHING. AND HE CAN STAND ANY ADVERSITY THAT OF PRESENTS IT. I KNOW THAT I SEVEN IN AN ORGANIZATION -- I KNOW THAT I SERVE IN AN ORGANIZATION THAT IS TODAY VERY DIFFERENT FROM THE 1950'S. WE HAVE A LEADERSHIP THAT EMBRACES DIVERSITY. WE HAVE A LEADERSHIP THAT SUPPORTS AND VALUES COMMITMENT AND RECOGNIZES COMPETENCE.....COMPETENCY, AND I'M VERY PROUD TO BE A CITY OF AUSTIN EMPLOYEE. I WANT TO COMMEND SHERYL COLE DEFINITELY, COUNCILMEMBER COLE, WHO EXHIBITED LEADERSHIP -- [APPLAUSE] AND I TOO AGREE THAT SHE COULD NOT HAVE DONE IT WITHOUT THE SUPPORT OF OUR CITY MANAGER AND WITHOUT THE CITY COUNCIL. WE HAVE A LEADERSHIP IN AUSTIN THAT HAS -- IS VERY DIFFERENT IN MY MIND FROM THE 1950'S. AND PERSONALLY I WOULD LIKE TO SAY THANK YOU TO THEM AND RECOGNIZE THEM AS WELL. THANK YOU VERY MUCH. [APPLAUSE]

I JUST HOPE WE PAY ENOUGH MONEY THAT SHE'S NOT GOING TO RUN AGAINST ME. [LAUGHTER] COUNTY COMMISSIONER DAVIS, WOULD YOU LIKE

TO SAY A FEW WORDS?

NO. [LAUGHTER]

WELL, YOU KNOW HOW THAT GOES. IT'S HARD TO KEEP ELECTED OFFICIALS AND PREACHERS FROM KEEPING THEIR MOUTHS SHUT. I REALLY JUST WANT TO SAY I'M INDEED PROUD FOR THIS DAY AND I HAVE SUCH GOOD MEMORIES OF THESE TWO MEN, CAPTAIN WHITE AND CAPTAIN WILLIE RAY DAVIS WHO WERE IN A STRUGGLE, AND THAT STRUGGLE CONTINUES TODAY IN TRYING TO BRING EQUALITY AND JUSTICE AND EQUITY ACROSS THE BOARD FOR ALL HUMANKIND. WE ARE STILL WORKING ON THAT, BUT THEY HAVE BROUGHT IT THUS FAR. AND THEN IT'S UP TO TAKE IT THE REST OF THE WAY, CAPTAIN. I'D LIKE TO THANK THE DAVIS FAMILY AND I'LL BE QUIET. I'M KIND OF GETTING OVERWHELMED. THANK YOU. [APPLAUSE]

THANK YOU FOR COMING. THANK YOU.

OKAY. FOLKS, IF I COULD HAVE YOUR ATTENTION AND WE'RE GOING TO CONTINUE ON WITH MORE PROCLAMATIONS. YOU'RE WELCOME TO STAY AND LISTEN OR PERHAPS GO OUT INTO THE FOYER TO CARRY ON YOUR CONVERSATION..... CONVERSATIONS. I'M JOINED BY ASSISTANT DIRECTOR DAVID GRUELL HERE, BUT ALSO -- AND LOOKS LIKE A BUNCH OF FAMILY MEMBERS AND OTHER LEADERS OF AUSTIN TRAVIS COUNTY EMS AND ALSO CHIEF MIKE. AFTER I READ THIS PROCLAMATION, A DISTINGUISHED AWARD FOR DAVID, THE CHIEF MCDONALD WILL SAY A FEW WORDS, PROBABLY FROM RICHARD HARRINGTON AND OTHER FOLKS AS WELL. SO THIS IS OFFICIAL, DISTINGUISHED SERVICE AWARD FROM THE CITY OF AUSTIN, WHICH READS. FOR MORE THAN 25 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF AUSTIN, FIRST AS A MEMBER OF THE AUSTIN EMERGENCY MEDICAL SERVICES, THEN OF THE AUSTIN TRAVIS COUNTY EMS SYSTEM, ASSISTANT DIRECTOR DAVID GRUELL IS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM AND RECOGNITION. HIS EMS CAREER HAS BEEN MARKED BY DEDICATION AND A

QUOTE, TO PRESERVE LIFE, IMPROVE HEALTH, PROMOTE SAFETY, END QUOTE. HIS LEADERSHIP HAS BEEN INSTRUMENTAL IN STRENGTHENING THE BONDS IN OUR COMMUNITY AND BRINGING IN PROFESSIONALISM TO EMERGENCY MEDICAL SERVICE PROVIDERS. THE CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION OF ASSISTANT DIRECTOR RULES EXEMPLARY SERVICE THIS FIRST DAY OF FEBRUARY, SIGNED BY ME BUT ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL, DISTINGUISHED SERVICE AWARD, ASSISTANT CITY DIRECTOR, DAVID GRUELL. [APPLAUSE]

GOOD EVENING. ASSISTANT CITY MANAGER MICHAEL MCDONALD AND I'LL BE SPEAKING ON BEHALF OF OUR CITY MANAGER TOBY FUTRELL. UNFORTUNATELY SHE'S NOT ABLE TO BE WITH US TODAY BUT SHE CERTAINLY WANTED TO. START OFF BY TELLING YOU A LITTLE ABOUT DAVID. HE STARTED WITH EMS IN 1981, WORKED IN THE FIELD AS A PARAMEDIC AND SENIOR PARAMEDIC. BECAME THE EMS TRAINING COORDINATOR IN 1990, WORKING THE REST OF HIS CAREER IN VARIOUS MEDICAL, EDUCATIONAL ROLES, THE MOST RECENT AS ASSISTANT DIRECTOR OF PROFESSIONAL STANDARDS. DAVID HOLDS A MASTER'S IN EDUCATION AND WORKED BRIEFLY AS A MATH TEACHER, SO AS YOU WOULD EXPECT HE IS THE DEPARTMENT'S GO-TO GUY IN COMPLEX MATHEMATICAL PROBLEMS. PEOPLE DESCRIBE DAVID AS EXTREMELY CONSCIENTIOUS. HE IS TIGHT WITH THE CITY FUNDS AND I UNDERSTAND HE'S TIGHT WITH HIS OWN MONEY. [LAUGHTER] DAVID WAS INSTRUMENTAL IN TRANSITIONING THE STAFF TO AN ALL PARAMEDIC SYSTEM. HE TAUGHT THE PARAMEDIC COURSES FOR THE EMS DEPARTMENT DURING THE TRANSITION. ONE DAY IN CLASS DAVID TAUGHT A THREE-HOUR CLASS, ACID BASED BALANCE AND EVERYONE SAT TENTATIVELY LISTENING TO HIS LECTURE. THE NEXT DAY HE WAS TEACHING THE SAME CLASS TO THE SECOND HALF OF THE STUDENTS. ABOUT TEN MINUTES THROUGH HIS LECTURE ONE OF THE STUDENTS SLOWLY RAISED THEIR HAND AND SAID, MR. GRUELL, NO ONE IN CLASS UNDERSTOOD A

WORD YOU'VE SAID FOR THE LAST TEN MINUTES. [LAUGHTER] AND FURTHERMORE, NO ONE IN CLASS YESTERDAY UNDERSTOOD ANYTHING YOU HAD TO SAY. [LAUGHTER] DESPITE ALREADY HAVING A MASTER'S DEGREE DAVID IS CURRENTLY ATTENDING AUSTIN COMMUNITY COLLEGE SO HE CAN MEET HIS REQUIREMENTS, AND AFTERWARDS HE PLANS -- AFTER RETIREMENT HE PLANS TO JOIN THE FACULTY TO HELP TEACH PARAMEDIC TECHNOLOGY -- PARAMEDIC TECHNOLOGY PROGRAM. WE WILL MISS DAVID BUT FEEL LUCKY KNOWING HE WILL CONTINUE HIS WORK TRAINING POTENTIAL EMS STAFF THROUGH HIS WORK AND TEACHING AT AUSTIN COMMUNITY COLLEGE. HOPEFULLY HE'LL TAKE SOME TIME TO ENJOY A FEW OF HIS FAVORITE THINGS. I UNDERSTAND THERE'S A SINGLE MAWL T SCOTCH AND CIGARS. I THINK THE OTHER THING I'D LIKE TO ADD AS WELL, FOR THOSE OF YOU THAT ARE NOT AWARE, OUR EMS DEPARTMENT IS RECOGNIZED AS ONE OF THE BEST EMS DEPARTMENTS IN THE COUNTRY. [APPLAUSE] YOU CERTAINLY DON'T ACHIEVE THOSE LEVELS WITHOUT STRONG LEADERSHIP. ONE OF THE THINGS THAT THE CITY MANAGER HAS TALKED ABOUT SO MUCH WITH REGARDS TO THE TENURE WE HAVE IN THIS ORGANIZATION, IT WORKS FOR YOU AND AGAINST YOU. IT WORKS AGAINST US IN MOMENTS LIKE THIS WHEN WE HAVE DAVID AND MANY OTHERS OF THE TOP LEADERSHIP IN THE EMS DEPARTMENT THAT'S ELIGIBLE FOR RETIREMENT, BUT UNLIKE OTHER SITUATIONS AND OTHER -- WHETHER IT'S CORPORATIONS OR THE PUBLIC SECTOR, WHEN YOU STRUGGLE THROUGH SITUATIONS LIKE THAT, CERTAINLY WE'RE GOING TO MISS INDIVIDUALS LIKE DAVID. WE KNOW THAT HE'S LEFT A STRONG FOUNDATION FOR THOSE THAT RECENTLY GRADUATED THIS PAST WEEK AND THOSE THAT WILL CONTINUE THEIR CAREERS IN EMS. SO DAVID, THANK YOU VERY MUCH. [APPLAUSE]

I AM RICHARD HARRINGTON, EXECUTIVE DIRECTOR OF AUSTIN TRAVIS COUNTY EMS. THIS IS KIND OF A BITTERSWEET DAY FOR ME. DAVID HAS BEEN THE ICON FOR OUR EDUCATION AND TRAINING PROGRAMS, IN THE GOOD TIMES, WHEN WE HAD

ONE PERSON DOING ALL OF THE EMS TRAINING, TO THE MUCH BETTER TIMES NOW WHERE WE HAVE AN ENTIRE DIVISION THAT FOCUSES ON IT. FROM A PERSONAL THING, THIS IS A SAD DAY FOR ME BECAUSE DAVID HAS BEEN A VERY GOOD FRIEND. HE IS A VERY VALUED COLLEAGUE THAT I'VE KNOWN TO FOR YEARS, BUT I KNOW HE'LL BE AROUND AND HE'LL BE TRAINING THE FUTURE PARAMEDICS AND MAKING GRADE PARAMEDICS. THE PARAMEDICS THAT COME OUT OF HIS CLASS WILL BE GREAT PAIR MEDICAL I., SO GOOD-BYE TEMPORARILY AND CONGRATULATIONS ON YOUR RETIREMENT. [APPLAUSE]

I ALWAYS KNEW THIS WAS GOING TO BE TOUGH.

NO LECTURES.

NO LECTURES. [LAUGHTER]

MY WIFE WOULDN'T LET ME BRING THE POWERPOINT. MAYOR WYNN, MAYOR PRO TEM DUNKERLEY, MEMBERS OF THE CITY COUNCIL, ASSISTANT CITY MANAGER MCDONALD, MY FAMILY AND MY EMS COWORKERS AND VERY, VERY GOOD FRIENDS, WHEN I FIRST CAME TO -- IT WAS AUSTIN EMS THEN, AS HAS BEEN MENTIONED, AS AN EMT, I HAD AN AGENDA. I WANTED TO PROMOTE THE PAIR TO PARAMEDIC AS QUICKLY AS I COULD, GET TWO OR THREE YEARS OF ALS EXPERIENCE AND GO BACK TO TEACHING EMT'S AND PARAMEDICS. HERE I AM TODAY IN A POSITION I NEVER ANTICIPATED 25 YEARS LATER. THERE ARE SEVERAL REASONS WHY I'VE STAYED. THIS IS THE BEST PLACE I HAVE EVER WORKED. IN GENERAL, FROM THE GROUND UP, PEOPLE ARE HERE BECAUSE THEY WANT TO BE AND BECAUSE THEY LOVE PREHOSPITAL CARE. THEY ARE PASSIONATE ABOUT WHAT THEY DO AND ABOUT THE WAY THEY FEEL THINGS NEEDS TO BE DONE. THAT PASSION OF COURSE OCCASIONALLY CAUSES ITS OWN PROBLEMS BUT NO ONE CAN EVER SAY THAT PARAMEDICS DON'T CARE. SO THIS IS ABSOLUTELY THE BEST JOB I HAVE EVER HAD, BUT IT'S A LOT MORE THAN THAT. YOU CAN'T DO WHAT WE DO HERE WITHOUT HAVING STRONG FEELINGS AND

CONNECTIONS WITH THOSE WE DO IT WITH. IN THE LAST SIX MONTHS I'VE BEEN ASKED MANY, MANY TIMES, ARE YOU COUNTING THE DAYS, DAVID? AND I THINK MY ANSWER SURPRISED SOME. I'M AT THE POINT IN MY LIFE WHERE I NEED TO PURSUE MY ORIGINAL LOVE, BUT I AM DEEPLY CONNECTED TO THIS ORGANIZATION AND THE INCREDIBLE PEOPLE WITH WHOM I HAVE WORKED. I AM POINTED TOWARDS LIFE GOALS BUT I HAVE DREADED THIS MOMENT FOR MONTHS. IN MY MIND I WILL ALWAYS BE A PARAMEDIC, AND IN MY HEART I WILL ALWAYS CONSIDER MYSELF PART OF AUSTIN/TRAVIS COUNTY EMS. ONE THING I WANT TO SAY TO THE GREAT COMMUNITY IN WHICH WE WORK AND LIVE, IN THE LAST FEW YEARS I'VE HAD THE OPPORTUNITY TO WORK WITH SOME PRETTY REMARKABLE INDIVIDUALS. THEY CONVINCED ME THAT THERE ARE PLENTY OF COMPETENT, CARING, CREATIVE PASSIONATE LEADERS READY TO TAKE THIS ORGANIZATION TO A DIFFERENT LEVEL OF CLINICAL EXCELLENCE. I AM LEAVING WITH THE ABSOLUTE KNOWLEDGE THAT PREHOSPITAL CARE IN AUSTIN WILL GET BETTER AND BETTER AND BETTER. TO MY EMS FAMILY, MY OTHER FAMILY, I HAVE LEARNED SOMETHING FROM EACH ONE OF YOU. THANKS FOR ALLOWING ME TO BE PART OF YOUR AVOCATION. I WILL NEVER FORGET YOU. THANK YOU VERY MUCH. [APPLAUSE]

SO OUR NEXT PROCLAMATION IS REGARDING ENGINEERS' WEEK AND AFTER I READ THE PROCLAMATION RICK MASTERS IS GOING TO COME UP AND TALK ABOUT THE WEEK, ABOUT, YOU KNOW, THE ENGINEERS WE HAVE IN THIS COMMUNITY AND HOW IMPORTANT AND WHAT A GREAT IMPORTANT ROLE THEY PLAY FOR US AS A -- WELL, THE CITY OF AUSTIN, WE HAVE A LOT OF ENGINEERS HERE ON STAFF BUT ALSO MORE IMPORTANTLY THE REGIONAL ECONOMY. PROCLAMATION READS, BE IT KNOWN THAT WHEREAS ENGINEERS FROM AUSTIN AND THE CENTRAL TEXAS AREA WILL VISIT CLASSROOMS DURING THE SPECIAL WEEK TO CULTIVATE INTEREST IN SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS AMONG OUR YOUTH AND WHEREAS COMMUNITY EVENTS AT THE

UNIVERSITY OF TEXAS AND OTHER VENUES ALSO EMPHASIZE THE IMPORTANT OF ENGINEERING AND TECHNOLOGY IN OUR SOCIETY AND WHEREAS WE JOIN LOCAL ENGINEERS AND ENGINEERING STUDENTS IN ENCOURAGING...ING GIRLS AND MINORITIES IN PARTICULAR TO EXPLORE THE FIELD OF ENGINEERING AND TO OPEN THEIR MINDS TO THE CLEAR POTENTIAL AVAILABLE TO THEM IN THIS CHALLENGING ARENA. NOW, THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM THE WEEK OF FEBRUARY 18 THROUGH 24, 2007 AS ENGINEERS WEEK, AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING ENGINEERS AMONG US AND HAVE RICK COME TALK ABOUT THE WEEK. [APPLAUSE]

WELL, THANK YOU, MAYOR. I'D LIKE TO INTRODUCE SOME OF MY COLLEAGUES HERE WHO HAVE BEEN VERY DEDICATED TO DISCOVER ENGINEERING AND ENGINEERING WEEK HERE IN AUSTIN. KATIE CIS ARREST AND JOSE CUERO, AND THIS IS REALLY ALL ABOUT ENCOURAGING STUDENTS TO STAY IN SCHOOL, TO STUDY SCIENCE, TECHNOLOGY, ENGINEERING AND MATH, SO THEY KEEP THEIR OPTIONS OPEN WHEN THEY GRADUATE, AND HAVEN'T CLOSED ANY DOORS. THE WORLD DOESN'T HAVE TO BE FULL WITH ENGINEERS, BUT MATH AND SCIENCE NEVER HURT ANYBODY. I'D REALLY LIKE TO SAY THANKS TO ALL OF THOSE ENGINEERS, THE HUNDREDS OF ENGINEERS LOCALLY, WHO VOLUNTEER THEIR TIME, TO GO OUT INTO THE SCHOOLS, TO THE COMMUNITY EVENTS, TO PASS ON THEIR ENTHUSIASM FOR ENGINEERING, AND REALLY, TO THE OVER 60 FIRMS, GOVERNMENT ORGANIZATIONS AND SCHOOLS WHO ALLOW THE TIME TO EITHER COME INTO THE CLASSROOM OR ALLOW THE VOLUNTEERS TO -- TO GO INTO THEM, I'D JUST LIKE TO MENTION A COUPLE OF THEM. AGAIN, I'M NOT GOING TO GO THROUGH THE LIST OF 60, BUT CITY OF AUSTIN IS ONE OF THE FOREMOST -- THANK YOU, JOSE FOR THAT, 3M, APPLIED MATERIALS, THE AMERICAN SOCIETY OF CIVIL ENGINEERS, AT&T, IBM, IEEE, DEFINITELY AN ENGINEERING SOCIETY, KLRU, WHO'S GOING TO BE SPECIAL COMMUNITY EVENT AT KEELING MIDDLE SCHOOL FOR US, SPAN SHUN, THE SOCIETY OF

PROFESSIONAL ENGINEERS, TEKE AND THE UNIVERSITY OF TEXAS. THANKS.....THANKS TO ALL OF THEM AND THANKS TO THE VOLUNTEERS. MAYOR, WE HAVE A T-SHIRT HERE FOR YOU.,

OH, GOOD.

AND IF IT DOESN'T FIT WE HAVE SOME OTHER SIZES, AND WE WOULD ENCOURAGE YOU, OUR CITY MANAGER, ANY OF THE COUNCIL MEMBERS OR ANYONE HERE IN THE AUDIENCE TO COME JOIN US IN ONE OF THE SCHOOL VISITS. THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE]

THANK YOU.

WE HAVE SOME FRIENDS HERE FROM KMFA. FOLKS, COME ON UP. WE HAVE VIDEO HERE TOO SO YOU'VE GOT TO --

THIS ISN'T RADIO.

MAYOR WYNN: THAT'S RIGHT. SCOTT CAME UP HERE SOMEWHERE. OKAY. NEXT PROCLAMATION IS REGARDING THE CONGRATULATIONS, PROCLAMATION FOR KMFA'S 40TH ANNIVERSARY, THIS YEAR, 2007, MARKS THE 40TH ANNIVERSARY OF A PHENOMENAL COMMUNITY PARTNER, REALLY, SO WHAT I'LL DO IS I'LL READ THE PROCLAMATION AND THEN WE'LL HEAR FROM JACK ALLEN AND/OR STEVE MOORE ABOUT WHAT AN IMPORTANT ROLE KMFA PLAYS IN OUR COMMUNITY AND HOW PERHAPS YOU CAN HELP THEM. ALL RIGHT. SO THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS ON JANUARY 29, 1967, A GROUP OF VISIONARY AUSTIN CITIZENS LAUNCHED A NON-COMMERCIAL FM STATION TO PROVIDE CLASSICAL MUSIC FOR AUSTIN, AND THUS KMFA WAS BORN, CLASSICAL WITH A K, AND WHERE IT'S PROVIDED AUSTIN'S ONLY FULL-TIME CLASSICAL PROGRAMMING SERVICE FOR FOUR DECADES AND IS ONE OF ONLY 11 ALL CLASSICAL STATIONS IN THE UNITED STATES, AND WHERE IS KMFA HAS SURVIVED AND PROSPERED FOR 40 YEARS THANKS

TO THE SUPPORT FROM CENTRAL TEXAS
COMMUNITY, WHICH THE STATION PROUDLY
REPRESENTS. SO NOW THEREFORE, I, WILL WYNN,
MAYOR OF THE GREAT CITY OF AUSTIN,
TEXAS, DO HEREBY PROCLAIM THIS YEAR, 2007, AS
KMFA'S 40TH ANNIVERSARY AND CALL ON ALL
CITIZENS TO JOIN ME IN THANKING THIS FANTASTIC
PARTNER IN OUR COMMUNITY. KMFA. [APPLAUSE]

WELL, MY COLLEAGUES KNOW ALL TOO WELL YOU
PUT A RADIO GUY NEXT TO A MICROPHONE, NOT
UNLIKE ELECTED OFFICIALS AND PREACHERS AND
WHEN THERE'S AN AUDIENCE OUT FRONT A GUY
LIKE ME STARTS TALKING ABOUT MEMBERSHIP, SO
I'LL SPARE YOU THE SPIEL. WE JUST GOT THROUGH
WITH THE MEMBERSHIP DRIVE. SO I PREPARED A
FEW REMARKS AND I'D LIKE TO SHARE A STORY
WITH YOU VERY BRIEFLY. FIRST OF ALL, MAYOR,
ON BEHALF OF KMFA'S WONDERFUL STAFF AND --
THERE YOU ARE, AND TO YOUR STAFF AND TO THE
COUNCIL MEMBERS, WE REALLY APPRECIATE THIS
HONOR. IT SEEMS APPROPRIATE TO PAUSE AND
REFLECT ON ALL BEGINNINGS IN OUR ROLE IN
AUSTIN. FROM MY PERSPECTIVE IN ORDER TO
FULLY APPRECIATE THIS HONOR IT SEEMS
APPROPRIATE TO LOOK TO THE YEAR 1967. THE
PLACE WAS WASHINGTON D.C. AND ON THE SHORES
OF THE POTOMAC AS..... POTOMAC A TEXT
AND TECHSIAN OCCUPIED THE WHITE HOUSE. HE
WAS WRESTLING WITH THE PEOPLE OVER
ESCALATING AN UNPOPULAR WAR. THIS WAS A
TIGHT SPOT FOR THIS GUY AND IT WAS PARTIALLY
THE CAUSE OF LYNDON BAINS JOHNSON NOT
SEEKING A SECOND TERM. BEFORE LBJ LEFT OFFICE
HE SIGNED INTO LAW THE CORPORATION FOR
PUBLIC BROADCASTING. THIS SET ACT SET ASIDE
AND PARTIALLY FUNDED REAL ESTATE WITHIN THE
FM RADIO SPECTRUM AND ALLOWED CERTAIN
STATIONS TO OPERATE MORE SECURELY AND
EFFECTIVE REFLECT THE VALUES OF THEIR LOCAL
COMMUNITIES. THE CPB AND THE CONCEPT OF
PUBLIC RADIO WAS IN PART A REALIZATION OF
LBJ'S VISION, FOR WHAT HE CALLED A GREAT
SOCIETY. SIMULTANEOUSLY 1200 MILES AWAY,
HERE IN AUSTIN, TEXAS, A HANDFUL OF FOLKS HAD
THEIR VISION TO BUILD A NONPROFIT RADIO

STATION TO, IN ESSENCE, PUSH ART THROUGH SPEAKERS, INTO HOMES, OFFICES AND CARS OF CENTRAL TEXAS. THEIR HOPE WAS NOT QUITE AS GRAND AS BUILDING A GREATER SOCIETY BUT TO SIMPLY MAKE CENTRAL TEXAS A BETTER PLACE TO LIVE. TO BUILD SUCH AN ENTERPRISE IS NOT NECESSARILY A GUARANTEE THAT IT WOULD BE EMBRACED OR THAT IT WOULD FLOURISH, ESPECIALLY SINCE THE PREMISE WAS TO NOT AIR COMMERCIALS AND TO RELY SOLELY ON PAYING THE BILLS THROUGH DONATIONS FROM THE PUBLIC. TO SAY THAT KMFA'S EARLY YEARS WERE LEAN AND SOMEWHAT PRECARIOUS WOULD BE AN UNDERSTATEMENT, BUT THIS AUSTIN COMMUNITY EMBRACE..... EMBRACED LITTLE KMFA AND BUILT IT INTO WHAT IT IS TODAY. IRONICALLY 39 YEARS AFTER JOHNSON LEFT OFFICE BOTH THE CPB AND KMFA WERE ABOUT TO CELEBRATE THEIR 40TH ANNIVERSARIES. ON THE EVE OF THIS AUSTIN PISHS MOMENT KMFA WAS AWARDED FOR THE VERY FIRST TIME A PRESENTIAL GRANT BY THE CORPORATION FOR PUBLIC BROADCASTING, IN PART TO ACKNOWLEDGE AN ALL GRAPHICAL FORMATTED STATION IS. JUST LAST WEEK WASHINGTON D.C.'S ONLY CLASSICAL RADIO STATION CHANGED FORMATS OVERNIGHT. AFTER 50 YEARS OF SERVING OUR NATION'S CAPITAL, NO MORE BACH OR BEETHOVEN ON THE RADIO. A BOTTOM LINE ORIENTED COMMERCIAL OWNERSHIP DECIDED TO SELL WGMS, AN ALL CLASSICAL RADIO INSTITUTION THAT WAS KNOWN AND LISTENED TO BY TEN PRESIDENTS, INCLUDING LBJ. IN A COMPETITIVE AND COMPLEX MEDIA ENVIRONMENT, KMFA IN AUSTIN, TEXAS HAS SURVIVED, AND THANKFULLY, TODAY, THRIVES, THANKS TO A LOYAL AND VERY APPRECIATIVE COMMUNITY, AND WITH A LITTLE HELP FROM ANOTHER TEXANS VISION FOR A GREAT SOCIETY, THE CPB IS ASSISTING KMFA TO DREAM DREAMS AND VISUALIZE THE FUTURE. SO, MR. MAYOR, TODAY THE STORY COMES FULL CIRCLE FOR QMFA. I WOULD LIKE TO THANK THOSE WHO WENT BEFORE US, THAT PRESIDENT FROM TEXAS, AN APPRECIATIVE COMMUNITY AND YOU FOR THIS GENEROUS PROCLAMATION TO HONOR KMFA AND NOW OUR BOARD CHAIR WOULD LIKE TO TO

BESTOW ON YOU AN HONORARY KMFA MEMBERSHIP, AND HERE'S OUR MUG, T-SHIRT AND TOTE. THANK YOU VERY MUCH. [APPLAUSE]

THANK YOU.

DO..CONGRATULATIONS.

MAYOR WYNN: MY LAST PROCLAMATION BEFORE I TURN THE PODIUM OVER TO COUNCIL MEMBER MARTINEZ FOR THE FINAL ONE IS REGARDING SPEAKING OF CLASSICAL MUSIC, OF COURSE AND EARLIER WE HAD DANA FALCON BURY WITH OUR LIVE MUSIC GIG, IS REMINDING FOLKS THAT WE ARE THE LIVE MUSIC CAPITAL OF THE WORLD AND HOW IMPORTANT IT IS FOR US TO SUPPORT MUSIC. SO, IN FACT, THERE'S A NEW PROGRAM OUT, A NEW CAMPAIGN CALLED LOVE AUSTIN MUSIC. I'LL READ THE PROCLAMATION AND SUZANNE QUINN WILL TALK TO US ABOUT THE PROGRAM AND I THINK AFTERWARDS WE MIGHT SEE SOME OF THE PROMOTIONS THAT SHOULD BE RUNNING VERY SOON. SO OF COURSE WE'RE TRYING TO ENCOURAGE FOLKS TO REMEMBER THAT WE HAVE, IN AUSTIN, 8,000 -- 8,000 WORKING PROFESSIONAL MUSICIANS IN THIS TOWN. OF COURSE THE VAST MAJORITY OF THEM, FRANKLY, ARE LOW INCOME. THE VAST MAJORITY OF THEM ARE UNINSURED. MANY OF THEM ARE HANGING ON BY THEIR FINGERNAILS, AS ARE THE VENUES IN WHICH THEY PLAY. AND SO OUR CHALLENGE WITH THIS PROGRAM OF LOVING AUSTIN MUSIC IS REMINDING US THAT THERE'S THREE THINGS WE'RE GOING TO NEED IN THIS TOWN IF WE WANT TO REMAIN THE LIVE MUSIC CAPITAL OF THE WORLD. THAT'S THE MUSICIANS IN TOWN, KEEPING THEM GAINFULLY EMPLOYED, HAPPY AND HEALTHY. WE HAVE TO HAVE THE VENUES IN WHICH THEY CAN PLAY, AND THAT'S A CHALLENGE IN A CHANGING URBAN FABRIC IN OUR COMMUNITY, AND THEN ALSO WE NEED A CITIZENRY WHO WILL FRANKLY GET OFF THE COUCH, TURN OFF THE TELEVISION A COUPLE TIEMENTS A MONTH AND GO OUT AND SPEND 25, 40, 50 BUCKS ON LIVE MUSIC IN THOSE VENUES, SUPPORTING THOSE MUSICIANS. SO WE'RE KICKING OFF OUR LOVE AUSTIN MUSIC PROGRAM WITH THIS

PROCLAMATION THAT READS: . MUSIC IS RECOGNIZED AS A CULTURAL AND ECONOMIC ASSET THAT CONTRIBUTES TO AUSTIN'S VIBRANT AND UNIQUE CREATIVE COMMUNITY AND WHEREAS AUSTIN IS RIGHTFULLY PROUD OF ITS WEALTH OF TALENTED MUSICIANS, MUSIC STORES AND VENUES, AND WHEREAS WE ALSO RECOGNIZE THE CONSIDERABLE CONTRIBUTIONS MADE BY THE AUSTIN MUSIC FOUNDATION TO SUPPORT AND FOSTER THE LOCAL MUSIC COMMUNITY THROUGH PROFESSIONAL EDUCATION AND OUTREACH PROGRAMS. SO THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY ENCOURAGE OUR CITIZENS TO SUPPORT THE AUSTIN MUSIC SCENE BY ATTENDING LIVE MUSIC PERFORMANCES AND BUYING MUSIC AT LOCAL STORES AND DO HEREBY PROCLAIM FEBRUARY 2007 AS LOVE AUSTIN MUSIC MONTH IN AUSTIN, AND AND.... SUZANNE SUZANNE QUINN, THE EXECUTIVE DIRECTOR OF THE AUSTIN MUSIC FOUNDATION TO TALK TO US ABOUT THIS SPECIFIC CAMPAIGN AND PROGRAM AND I THINK WE'LL SEE SOME PSA'S AGAIN.

THANK YOU SO MUCH. THANK YOU, MAYOR WYNN AND ALL OF THE CITY..... CITY COUNCIL. I AM SUZANNE QUINN, THE EXECUTIVE DIRECTOR OF THE AUSTIN MUSIC FOUNDATION AND I THANK YOU FOR YOUR TIME THIS EVENING AND THANK YOU FOR JOINING US IN CELEBRATING LOVE AUSTIN MUSIC MONTH, SHINING A SPOTLIGHT ON THE RICH HERITAGE OF MUSIC IN AUSTIN. WE THIS MOMENT TO SHOW OUR THEIR LOVE BY GETTING OUT TO SUPPORT LOCAL MUSIC AND MUSICIANS. I WOULD LIKE TO START BY SHOWING A COUPLE PUBLIC SERVICE ANNOUNCEMENTS PRODUCED BY ME TELEVISION. ONE IS SOMEONE YOU MAY RECOGNIZE MUSIC..... (music). (music)

THAT'S JOHN POINTER, AND I'M ELIZABETH MCQUEEN. WE ALL LOVE MUSIC AND WE ALL LOVE AUSTIN.

FEBRUARY IS LOVE AUSTIN MUSIC MONTH. VISIT AUSTINMUSICFOUNDATION.ORG FOR A COMPLETE SCHEDULE OF EVENTS. COME ON, AUSTIN, SHOW

YOUR LOVE. (music)

HEY, I'M AUSTIN MAYOR WILL WYNN AND I LOVE --

FEBRUARY IS LOVE AUSTIN MUSIC MONTH. VISIT
AUSTIN MUSIC FOUNDATION.ORG FOR A COMPLETE
SCHEDULE OF EVENTS. COME ON, AUSTIN, SHOW
YOUR LOVE.

HEY, I'M AUSTIN MAYOR WILL WYNN AND I LOVE
AUSTIN MUSIC.

I'M BOB BLAIX AND I..... BLAKES AND I AM
AUSTIN MUSIC. [APPLAUSE]

MAYOR WYNN: THAT WAS A FIRST TAKE, BY THE
WAY. [LAUGHTER]

I LOVE AUSTIN MUSIC -- WE WILL HIGHLIGHT THE
CULTURAL IMPACT OF MUSIC ON OUR TOWN.
CULTURALLY MUSIC IS A LARGE PART OF WHAT
MAKES AUSTIN UNIQUE AND IT'S HELPED US
GARNER INTERNATIONAL RECOGNITION FOR A
QUALITY OF LIFE AND IT CREATES A GREAT
AMOUNT OF TURRISM AND ATTRACTION AND
RETENTION OF A VIBRANT CREATIVE CLASS. WHAT
IS LESS WELL-KNOWN IS THAT THE MUSIC SERVES
AS A POWERFUL ECONOMIC ENGINE FOR AUSTIN
AND IS ONE OF OUR TOP TEN INDUSTRIES. BRIEFLY
I'D LIKE TO SAY THAT AUSTIN IS AN INDUSTRY
THAT -- I'M SORRY, AUSTIN'S MUSIC INDUSTRY
GENERATES \$1 BILLION ANNUALLY IN ECONOMIC
ACTIVITY. AND THE MUSIC INDUSTRY CONTRIBUTES
MORE THAN \$25 MILLION EACH YEAR TO THE TAX
BASE. AND THE INDUSTRY PROVIDES OVER 18,000
JOBS. ALSO, INVESTMENT IN ARTS PAYS OFF. FOR
EVERY DOLLAR INVESTED IN THE ARTS, IT
GENERATES \$300 IN ECONOMIC ACTIVITY AND
CONTRIBUTES \$10 TO THE TAX BASE. SO AUSTIN
MUSIC FOUNDATION IS DEDICATED TO PRESERVING
AUSTIN'S RICH MUSICAL HERITAGE, EMPOWERING
BY PROVIDING THE EDUCATION AND RESOURCES
NECESSARY FOR A SUSTAINABLE MUSIC CAREER.
PLEASE JOIN US IN SHOWING YOUR LOVE FOR
AUSTIN MUSIC. THANK YOU. [APPLAUSE]

MAYOR WYNN: FINALLY I'D LIKE TO TURN THE PODIUM OVER TO COUNCIL MEMBER MIKE MARTINEZ.

MARTINEZ: PLEASE COME AROUND. OBVIOUSLY THIS -- IT GIVES ME GREAT PLEASURE TO PRESENT THIS PROCLAMATION TONIGHT. THESE ARE FOLKS THAT WERE AND STILL ARE VERY, VERY NEAR AND DEAR TO ME. AS YOU SEE, WE HAVE FIREFIGHTERS HERE, BUT TONIGHT'S PROCLAMATION IS A GROUP THAT HAS HISTORICALLY SUPPORTED FRIERTS, AND..... FIREFIGHTERS SO I'M GOING TO READ THE PROCLAMATION AND THEN I'M GOING TO SAY A FEW WORDS AND PRESENT IT TO -- FOR THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS 50 YEARS AGO A HANDFUL OF DEDICATED AUSTIN FIREFIGHTERS' WIVES GATHERED AT THE -- AT THE TRAVIS COUNTY COURTHOUSE TO SIGN THE ORIGINAL CHARTER CREATING THE LADIES AUXILIARY TO THE LOCAL 975, AND WHEREAS AFTER A HIATUS THE ORGANIZATION IS ENJOYING A REBIRTH AND AN EXPANSION IN SCOPE SO THAT AUXILIARY MEMBERSHIP WILL NOW INCLUDE ALL FAMILY MEMBERS, HUSBANDS, WIVES, SIBLINGS AND PARENTS WHO WISH TO PLAY A CLOSE -- CLOSER SUPPORTING ROLE IN THE SPORE WORK OF OUR FIREFIGHTERS, AND WHEREAS, THE NEW AUXILIARY MAINTAINS THE SAME PURPOSE AS THE ORIGINAL, A COMMITMENT TO COOPERATE WITH, SUPPORT AND CONTRIBUTE TO THE ACCOMPLISHMENT AND BETTERMENT OF OUR AUSTIN FIREFIGHTERS, NOW THEREFORE I WILL WIN, MAYOR OF THE CITY OF AUSTIN TEXAS, DO HEREBY PROCLAIM FEBRUARY 1, 2007 AS AUXILIARY TO LOCAL 975 DAY IN AUSTIN, TEXAS, AND I ASK EVERYONE TO JOIN ME IN CONGRATULATING THE AUXILIARY FOR ITS NEW REBIRTH. [APPLAUSE]

MARTINEZ: FIRST OF ALL I WANT TO TELL YOU GUYS, WHILE THE AUXILIARY MAY NOT BE ANYTHING THAT'S NEW IN THE FIRE SERVICE OR EVEN IN AUSTIN, TEXAS, I'M GLAD TO SEE, YOU KNOW, THE REJUVENATED ENERGY IN THE AUXILIARY. ONE OF THE THINGS THAT WAS

PROBABLY THE MOST IMPACTFUL MOMENT AS IT RELATES TO SUPPORTING SPOUSES, WHEN I WAS A FIREFIGHTER WAS DURING HURRICANE KATRINA. WHAT MOST FOLKS DON'T KNOW IS THAT THERE WERE OVER 350 FIREFIGHTERS IN NEW ORLEANS PROPER WORKING WITHIN A WEEK OR SO AFTER THE HURRICANE, AND ONE OF THE ISSUES THEY RAN INTO, OBVIOUSLY, WAS SUPPLY, AND SO WE GOT A PRESIDENT -- OR WE GOT A CALL FROM THE PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AND HE SAID, MIKE, CAN YOU HELP US? YOU'RE SOMEWHAT CLOSE. HOUSTON IS INUNDATED WITH VAK WEES. WE NEED YOU TO PUT A TRANSPORT TOGETHER OF SUPPLIES FOR FIREFIGHTERS. WE NEED SOCKS, WE NEED SHAMPOO, WE NEED SHIRTS, WE NEED EVERYTHING YOU CAN IMAGINE SOMEBODY IN A BOOT CAMP STYLE SETTING. AND SO WE SAT THERE AT THE OFFICE FOR MORE THAN 36 HOURS AND IT WAS THE SPOUSES OF FIREFIGHTERS THAT STAYED WITH US, AND FIREFIGHTERS AS WELL. BUT WE PUT A CALL OUT TO THE COMMUNITY. PEOPLE DONATED STUFF. PEOPLE DONATED MONEY. WE WENT OUT AND PURCHASED -- AND WITHIN THAT 36 HOURS WE SENT A TRANSPORT WITH CLOSE TO \$10,000 WORTH OF SUPPLIES FOR THE FIREFIGHTERS DOWN AT GROUND ZERO AT NEW ORLEANS, AND IT WOULD NOT HAVE BEEN POSSIBLE WITHOUT THE SUPPORT OF FOLKS LIKE MISTUCKER AND THE AUXILIARY. AND SO I JUST WANT TO THANK THEM SO MUCH FOR THE HARD WORK THEY'VE ALREADY DONE AND FOR THE WORK THAT THEY'RE GOING TO DO AND I WOULD LIKE TO RECOGNIZE MS. POKER AND SEE IF SHE'D LIKE TO SAY A FEW WORDS.

THANK YOU VERY MUCH.

YOU'RE WELCOME.

I WOULD LIKE TO BEGIN BY THANKING THE MAYOR AND CITY COUNCIL FOR AFFORDING US THIS OPPORTUNITY, JUST FOR THE RECOGNITION OF REESTABLISHING THE AUXILIARY AND THANK MIKE MARTINEZ. WE KICKED AROUND THE IDEA OF, YOU KNOW, WHY DON'T WE HAVE THE AUXILIARY ANYMORE, WHAT HAPPENED, AND WE STILL

HAVEN'T QUITE FIGURED OUT WHY, AFTER 25 YEARS OF DEDICATED HARD, HARD SERVICE IT CAME TO LAY DORMANT FOR A LITTLE WHILE BUT WE ARE READY, WILLING AND ABLE TO GET THIS THING GOING AGAIN AFTER A REST PERIOD OF THE PAST 25 YEARS. AND MIKE IS MUCH TO THANK FOR HELPING US KICK THAT IDEA AROUND DURING KATRINA. IT BECAME VERY PARENT THAT THERE WAS A.....APPARENT THAT THERE WAS ANEED, NOT ONLY DURING TIMES OF DISASTER BUT JUST IN RECENT WEEKS, WE HAVE APARTMENT FIRES IN OUR OWN COMMUNITY WHERE THE FIREFIGHTERS CAME IN, THEY DID THEIR JOB, THEY DID AN OUTSTANDING JOB, BUT THEY HAD TO GO BACK TO WORK. THERE ARE FAMILIES THAT ARE LEFT BEHIND THAT NO LONGER HAVE THE SIMPLE NECESSITIES JUST TO GET THROUGH THE NEXT FEW DAYS. THAT'S SOMETHING THE AUXILIARY WILL MOST DEFINITELY DO OUR BEST TO ASSIST AUSTIN CITIZENS, EXCUSE ME, AND JUST HELPING THEM COPE. ANOTHER SERVICE OF THE AUXILIARY IS THAT WE -- WE LIVE BY -- THE MEMBERS OF A FAMILY SUCH AS THE FIRE DEPARTMENT, WE LIVE BY A STRANGE SCHEDULE. NOTHING BREAKS IN THE HOUSE UNTIL YOUR HUSBAND OR YOUR SPOUSE IS AT WORK, AND THEY'RE GONE FOR 24 HOURS, OR IN THE CASE OF THE LAST ICE STORM MINE WAS STUCK AT THE STATION FOR 96 HOURS. SO IT'S VERY IMPORTANT TO HAVE A FELLOW FAMILY MEMBER THAT YOU CAN CALL FROM THE FIRE DEPARTMENT THAT UNDERSTANDS WHAT YOU'RE GOING THROUGH. YOUR NEIGHBORS DON'T ALWAYS UNDERSTAND. THEY WORK THE 8:00 TO 5:00. THEY DON'T GET YOUR HUSBAND IS GONE FOR OVERNIGHT. AS THE PROCLAMATION STATED, MY HUSBAND IS A FIREFIGHTER AND HAS BEEN FOR 23 YEARS, BUT THE BASE OF THE AUCTION I.....FACE OFTHE AUXILIARY AS CHANGED AS HAS THE FACE OF THE FIRE DEMENT. IT IS NOW OPEN TO FAMILY MEMBERS, INCLUDING CHILDREN THAT ARE 18 AND OVER. I HAVE MY OWN SON HERE. HE TURNED 18 YESTERDAY AND HIS FIRST ACT AS A LEGAL ADULT WAS TO SIGN THE CHARTER UPSTAIRS, AND IT MADE ME VERY PROUD THAT HE IS WILLING TO STEP FORWARD AND DO THAT, AND WE HAVE OTHER SPOUSES THAT HAVE COMMITTED TO ME

THAT THEY WILL JOIN OUR AUXILIARY AND SUPPORT US. I WANT TO THANK CHIEF ODAME. HE HAS BEEN SO SUPPORTIVE OF GOING FORWARD WITH THE AUXILIARY, AS WELL AS STEVEN, TRUSO, OUR PRESIDENT OF OUR LOCAL 975, WHO CAME IN AFTER MIKE MARTINEZ LEFT, TO COME SERVE THE CITY IN A DIFFERENT CAPACITY. JUST EVERYBODY IS STANDING HERE, IT MEANS SO MUCH SO ALL OF US THAT THEY SUPPORT US, BECAUSE WE SUPPORT OUR FIREFIGHTERS. IT'S A BOND, AND WE WILL NOT -- WE WILL NOT LET THE COMMUNITY DOWN, WE WON'T LET THE FIREFIGHTERS DOWN AND WE LOOK FORWARD TO SERVING TO THE BEST OF OUR CAPACITY. THANK YOU. [APPLAUSE]

I'D LIKE TO INVITE CHIEF ODAME AND THE PRESIDENT TO SAY A FEW BRIEF WORDS IF YOU'D LIKE.

THANK YOU, COUNCIL MEMBER, MARTINEZ. AND THANK YOU ALL. THANK YOU ALL FOR STEPPING UP. THANK YOU ALL FOR TAKING THIS CHALLENGE. THE AUXILIARY IS AN INTEGRAL PART OF THE FIRE SERVICE, RIGHT ALONG WITH OUR HONOR GUARDS AND THOSE TYPE OF OPERATIONS THAT SUPPORT THE ORGANIZATION, AND WHAT I TOLD THEM IS THAT THEY'RE SO INTEGRAL A PART OF THE ORGANIZATION THAT ONCE -- THAT FROM THE MOMENT A FIREFIGHTER STEPS IN THE DOOR OF OUR ORGANIZATION AND EVENTUALLY RETIRES AND , YOU KNOW -- THEY ARE THERE TO ASSIST THE ORGANIZATION, TO HELP THEM, TO HELP THEM THROUGH ANY ISSUES THAT COME UP. THE AUXILIARY HAS CHANGED, THE FACE OF THE AUXILIARY HAS CHANGED, SO IT NOW INCLUDES MANY FAMILY MEMBERS AS PART OF THAT ORGANIZATION. SO THANK YOU ALL VERY MUCH. THANK YOU FOR STEPPING UP. WE -- IT'S -- IT HOLDS A VERY DEAR PLACE IN MY HEART AND WE HAVE THE ENTIRE SUPPORT OF THE -- OF THE AUSTIN FIRE DEPARTMENT ALONG WITH OUR CHIEF OF STAFF AND THE REST OF OUR COMMAND STAFF ARE HERE THIS EVENING TO SHOW THE SUPPORT THAT YOU- ALL WILL HAVE FROM OUR ORGANIZATION. SO AGAIN, THANK YOU VERY MUCH. THANK YOU CONGRESSMEN,..... COUNCILMAN, AND THANK

YOU ALL. [APPLAUSE]

I JUST WANT TO TELL A COUPLE OF QUICK STORIES TO EXPLAIN HOW IMPORTANT I THINK THE AUXILIARY FUNCTION IS. MIKE ALREADY TALKED ABOUT THE SITUATION WITH HURRICANE KATRINA, AND I WAS ACTUALLY WORKING AT THE CONVENTION CENTER WHEN A COUPLE OF FIREFIGHTERS ARRIVED FROM ST. BERNARD'S..S PARISH-ISH, AND THEY GOT OFF THE PLANES AT THE AIRPORT AND ALL THEY WANTED TO DO WAS GET IN A CAR AND TURN AROUND AND GO RIGHT BACK TO WHERE THEIR FAMILIES HAD BEEN EVACUATED TO, WHICH WAS A DIFFERENT CITY THAN AUSTIN, AND THEY HAD BEEN LIVING OUT OF THEIR FIRE STATION, SCAF EVENING FOR FOOD, FLOATING AROUND IN BOATS FOR SEVERAL DAYS, AND THEY WERE, YOU KNOW, FIRST AND FOREMOST WAS I'VE GOT TO GET TO MY FAMILY, I'VE GOT TO GET TO MY FAMILY. AND WE ASSISTED BY -- WE HAVE A COUPLE OF FIREFIGHTERS THAT ARE PILOTS AND THEY FLEW THESE TWO FIREFIGHTERS TO WHERE THEIR FAMILIES WERE. , AND YOU REALIZE HOW TRAUMATIC IT MUST HAVE BEEN, NOT ONLY DEALING WITH THE HURRICANE BUT ALSO HAVING VIRTUALLY NO CONTACT WITH YOUR FAMILY AND WONDERING AND WORRYING ABOUT THEM SO MUCH. AND THEN ANOTHER THING THAT HAPPENED THAT'S VERY INTERESTING TIMING WAS THE FACT THAT WE HAD OUR FIRST EXPLORATORY MEETING TO DISCUSS GETTING THE AUXILIARY GOING AGAIN, WITH A REPRESENTATIVE FROM CORPUS WHO'S ON THE STATE AUXILIARY BOARD AND THE VERY NEXT DAY WE HAD A LABOR MANAGEMENT MEETING AND ASSISTANT CHIEF BLACKMORE BROUGHT OUT THE CONCERN FROM HOME LAND DEFENSE PERSPECTIVE THAT WE HAVE TO HAVE A SUPPORT STRUCTURE FOR OUR FIREFIGHTERS, POLICE OFFICERS AND PARAMEDICS IF WE EXPECT THEM TO BE FUNCTIONING DURING A PROLONGED EVENT. THEY HAVE TO KNOW THAT AT HOME EVERYTHING IS TAKEN CARE OF. SO THOSE ARE JUST A COUPLE OF THINGS THAT REALLY DREW MY ATTENTION TO THE NEED FOR THE AUXILIARY. WE NEED THAT SUPPORT STRUCTURE SO THAT WHEN WE'RE WORKING, YOU KNOW, 96 HOURS STRAIGHT

DURING A WEATHER EVENT OR WHATEVER, WE CAN RELY ON THE AUXILIARY TO TAKE CARE OF OUR FAMILIES BECAUSE THEY ARE ONE BIG FAMILY STRUCTURE AND THEY CAN KEEP TABS ON EACH OTHER AND PROVIDE THAT TO MAKE US MORE COMFORTABLE AND ALLOW US TO DO OUR JOBS BETTER. SO I WANT TO RECOGNIZE THAT AND THANK EVERYONE FOR ALL THEIR EFFORTS IN GETTING THE AUXILIARY GOING AGAIN. THANKS. [APPLAUSE]

VERY QUICKLY, MS. LINDA, TRUCE DETAIL, WIFE, SERVES ON THE EXECUTIVE BOARD. SHE WAS SUPPOSED TO BE HERE TONIGHT BUT SHE'S AT HOME TAKE CARE OF A NEWLY BORN SON, WHO IS A LITTLE BIT SICK TODAY, SO I WANT TO SHOUT OUT TO LINDA AND SAY SORRY YOU COULDN'T MAKE IT BUT CONGRATULATIONS. I ALSO WANT TO RECOGNIZE A PREVIOUS PRESIDENT WHO WAS THE PRESIDENT OF THE AUXILIARY WHEN I CAME INTO THE FIRE SERVICE AND SHE HAS NEVER GIVEN UP. SHE IS LITERALLY THE ONLY ONE TRYING TO CONVINCE US TO KEEP THE AUXILIARY UP AND RUNNING, AND THERESA HIT IS HERE WITH US TODAY AND I WANT TO THANK HER. SHE STILL HASN'T GIVEN UP AND WE WOULDN'T BE HERE TODAY IF IT WEREN'T FOR DEDICATED SPOUSES LIKE THERESA. [APPLAUSE]

WE HAVE THE ORIGINAL SIGNING IN 1956, PHOTOS AND SOME CLIPINGS HERE IF FOLKS WOULD LIKE TO VIEW THIS, THEY WILL BE HERE IN THE LOBBY BUT I WANT TO CONGRATULATE THEM AND THANK THANK EVERYONE FOR BEING HERE. [APPLAUSE]

TRY TO SQUEEZE EVERYBODY IN, WE'LL TAKE A QUICK PICTURE.

MAYOR.....PICTURE.

COUNCIL IS STILL IN EXECUTIVE SESSION WITH AUSTIN FINANCING HOUSING CORPORATION, SO WE WILL BE BACK SHORTLY THEREAFTER, IF WE GET DONE TAKING CARE OF THAT BUSINESS. THANK YOU. TEST TEST KIT'S.

MAYOR WYNN: WE ARE OUT OF CLOSED SESSION,... IN EXECUTIVE SESSION THE OFFICE OF HOUSING FINANCE CORPSE BOARD TOOK UP ITEM NO. 3, RELATED TO POTENTIAL INTEREST IN A REAL ESTATE MATTER, NO DECISIONS WERE MADE. NOW IN OPEN SESSION WE WILL -- THERE BEING NO MORE BUSINESS BEFORE THIS BOARD, WE...WE WILL ADJOURN THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, A QUORUM BEING PRESENT. APOLOGIZE FOR THE DELAY AND APPRECIATE EVERYBODY'S PATIENCE AS WE WORK THROUGH A LENGTHY AGENDA, BUT I THINK WE'RE NOW GOING TO I TO PICK UP SOME STEAM AND MAKE SOME AHEAD..... HEADWAY. SO -- I.. I GUESS WE COULD -- BEFORE WE GO INTO ZONING CASES PERHAPS WE COULD TAKE UP ANY POSTPONEMENTS JUST TO SEND SOME FOLKS HOME BECAUSE I BELIEVE THERE WAS TALK OF POSTPONING A COUPLE OF OUR PUBLIC HEARINGS. SO I'LL ENTERTAIN ANY MOTIONS TO POSTPONE ANY PUBLIC HEARINGS SO FOR FOLKS CAN GO HOME BEFORE WE GO THROUGH CONSENT AGENDA ON ZONING. I BELIEVE OUR -- HAD HEARD THAT BOTH THE -- WHAT'S KNOWN AS THE BIG BOX RETAIL ORDINANCE, 66, AND THEN 65, WHAT WE CALL THE VMU, OR VERTICAL MIXED USE ORDINANCE, THERE WAS TALK OF POSTPONING THOSE, MAYOR -- YES, COUNCIL MEMBER LEFFINGWELL.

I'LL MOVE TO POSTPONE ITEM NO. 66. THIS IS AT THE REQUEST OF THE PEOPLE WHO ARE PROPOSING -- MAY PREFER TO -- EXCUSE ME, HAVE A FULL ASK COUNCIL BEFORE THE HEARING.

SO OUR REQUEST WOULD BE FOR FEBRUARY 15, OUR NEXT MEETING?

THAT'S CORRECT.

LEFFINGWELL: FEBRUARY 15.

MAYOR WYNN: IF YOU DON'T MIND, I THINK THAT'S THE SAME REQUEST ON ITEM NO. 65, SO COULD I

INCLUDE THAT IN YOUR MOTION? LEAF LF.....

LEFFINGWELL: I TAKE THAT AS A FRIENDLY AMENDMENT.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEAF TO POSTPONE FOR PUBLIC HEARING, 65 AND 66 UNTIL FEBRUARY 15, 2007. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF 5-0.0 WITH COUNCIL MEMBERS MCCracken AND COAL OFF THE DAIS. SO COUNCIL, THAT TAKES US BACK TO OUR 4:00 ZONING ORDINANCES AND APPROVALS OF RESTRICTIVE COVENANTS. WELCOME, MR. GREG GUERNSEY. APPRECIATE YOUR PATIENCE, MR. GREG.

THANK YOU, MAYOR, AND COUNCIL. LET ME RUN THROUGH OUR 4:00 ITEMS, AND I CAN OFFER PEOPLE OR CONSENT APPROVAL ON. ITEM NO. 47, THIS IS CASE C 2 A-84-002, THE SLUMBERJAY PDA AMENDMENT NO. 5. THIS IS TO APPROVE SECOND READING FOR THE PROPERTY LOCATED AT 8311 RR 620 NORTH. THERE'S A REZONING REQUEST FROM RESEARCH AND DEVELOPMENT -- PLAN DEVELOPMENT AREA COMBINING DISTRICT ZONING TO RESEARCH PLANNED DEVELOPMENT AREA R&D, PDA, COMBINING DISTRICT ZONING. I UNDERSTAND ONE COUNCIL MEMBER WOULD LIKE TO POSSIBLY ADD ONE ADDITIONAL USE TO TRACK 1 AND THAT THIS ITEM COULD BE OFFERED@A CONSENT ITEM.

MAYOR WYNN: WHO MIGHT THAT MEMBER OF COUNCIL BE?

POSSIBLY MAYOR PRO TEM.

MAYOR WYNN: MR. GUERNSEY HAS BROUGHT UP ITEM 47 AND I BELIEVE HE SUGGESTED THERE MIGHT BE ADDITIONAL COMMENTS ABOUT THE SLUMBERJAY AMENDMENT.

OKAY. SO IT'S MY TURN TO TALK? YES.

DUNKERLEY: OKAY. ARE WE READY FOR A MOTION?

MAYOR WYNN: WE'RE TALKING ABOUT A PROPOSED CONSENT AGENDA SO IF YOU JUST GIVE US SOME COMMENTS ABOUT THAT WE COULD INCLUDE IT --

DUNKERLEY: OKAY. I'LL DO THAT. WE WERE ON THIS CONSENT AGENDA ITEM NO. 47, WE WERE ASKING FOR SECOND READING, AND WE WOULD LIKE TO ADD TO TRACK 1 THE CONCURRENT LIVING.

MAYOR WYNN: CON AGREE TEXAS GOVERNMENT CODE ANNOTATED LIVING.

IS THAT ALREADY IN THERE? ARE YOU SURE THAT BOTH UNIVERSITIES AND COLLEGES OVER THE WHOLE TDA INCLUDING THIS TRACK?

THAT'S MY UNDERSTANDING. THERE WOULD BE -- COLLEGE AND UNIVERSITY WOULD BE A PERMITTED USE AT FIRST READING I BELIEVE YOU HAD A RETIREMENT ADDED RETIREMENT HOUSE TO GO TRACK 1 AND I UNDERSTAND THAT THE SUGGESTION IS TO ALSO ADD CONGRESS AGREE TEXAS GOVERNMENT CODE ANNOTATED LIVING WHICH WOULD ALLOW FOR A PERSONAL CARE FACILITY, LIKE A RETIREMENT HOME, AND ALSO WOULD BE ALLOWED ON TRACK 1.

WELL, THAT'S WHAT I WAS HOPING WE WOULD CONSIDER ON SECOND READING TONIGHT.

MAYOR WYNN: SO THEN WITHOUT OBJECTION, COUNCIL, WE'LL INCLUDE THAT RECOMMENDATION ON THIS PROPOSED CONSENT AGENDA, SECOND READING ONLY FOR ITEM 47.

MAYOR.....47.

AND LET ME CONTINUE. ITEM NO. 48 IS C 14-05-0206, 5100 COMMERCIAL PARK. THIS IS TO APPROVE SECOND/THIRD READING FOR REZONING OF THE PROPERTY FROM INTERIM SINGLE-FAMILY RESIDENTS, STANDARD LOT, DISTRICT ZONING TO

LIMITED INDUSTRIAL SERVICE CONDITIONAL OVERLAY, LICO, COMBINING DISTRICT ZONING, AND THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. ITEM NO. 49, THIS IS THE PARKER LANE NEIGHBORHOOD PLAN COMBINING DISTRICT, AND WHICH IS ALSO RELATED TO ITEM NO. 50, WHICH IS C 14-... 14-05-0112, THE RIVERSIDE NEIGHBORHOOD PLAN COMBINING DISTRICT, AND ALSO-RELATED TO ITEM NO. 51 WHICH IS MPA-05, THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN AND THEY.....THESE WOULD BE ITEMS THAT WE WOULD OFFER AT THIRD READING..... READING. MAYOR, I CAN OFFER THESE ITEMS WITH CONSENT WITH A CLARIFICATION ON ONE AND A SHORT DISCUSSION ON ONE OUR TRACT, SO IF YOU'D LIKE WE CAN HOLD OFF ON THIS ONE, TAKE THE REST OF THE CONSENT ITEMS. I COULD COME BACK, QUICKLY READ THROUGH THIS AND THEN TALK ABOUT -- THE ONE CLARIFICATION AND PROBABLY A SHORT DISCUSSION WITH THE OWNER'S REPRESENTATIVE AND BRIEF YOU ON THAT AND THEN GO BACK TO THE REST OF THE CONSENT ITEMS -- CONSENT AND ITEM. WE'LL GO THROUGH THE PUBLIC CONSENT HEARING ITEMS AND COME BACK TO THIS ONE.

MAYOR WYNN: I LIKED YOUR FIRST SUGGESTION, THANK YOU.

OKAY. SO THEN 49, 50 AND 51 WILL NOT BE PART OF THE CONSENT MOTION, AND THEN I'LL QUICKLY GO THROUGH THOSE THREE ITEMS.

MAYOR WYNN: GREAT.

MAYOR WYNN: SO COUNCIL, I'LL PROPOSE CONSENT WHERE WE'VE CLOSED THE PUBLIC HEARING, ON 47, APPROVE ON SECOND READING ONLY WITH THE ADDITIONAL CAVEAT AS PRESENTED BY MAYOR PRO TEM AND TO APPROVE ON SECOND AND THIRD READING ITEM NO. 48. I'LL ENTERTAIN THAT MOTION.

LEFFINGWELL: MOVE APPROVAL.

MAYOR WYNN: MOTION MADE BY COUNCIL

MEMBER LEAF, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS CONSENT AGENDA.....AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

THANK YOU, MAYOR AND COUNCIL. LET ME THEN GO ON TO ITEM NO. 49, 50 AND 51. I'LL BRIEFLY READ THESE INTO THE RECORD. ITEM NO. 49 IS CASE C 14-05-0111, PARKER LANE NEIGHBORHOOD AND THIS IS A THIRD READING FOR REZONING OF PROPERTY LOCATED AT 2600, 26 1/2 SOUTH PLEASANT VALLEY ROAD AND IS TRACT 203 AND 4600 AND 4603 EAST BEN WHITE BOULEVARD, TRACT 22. ITEM NO. 50 IS ALSO A REZONING CASE, CASE NO. C 14-05-0112. THE RIVERSIDE NEIGHBORHOOD PLAN COMBINING DISTRICT. TRACTS KNOWN AS 2109 THROUGH 2237 EAST RIVERSIDE DRIVE, 1700 TO 1702 WILLOW CREEK DRIVE KNOWN AS TRACT 37. 1701 TO 1713, BURTON DRIVE, KNOWN AS TRACT 39. 2001....2001 EAST RIVERSIDE DRIVE KNOWN AS TRACT 23 A. 2019, 2021, 2023 EAST RIVERSIDE DRIVE KNOWN AS TRACT 43 B. 1801....1801 THROUGH 1919 EAST RIVERSIDE DRIVE KNOWN AS TRACT -- 1805 THROUGH 1909 EAST RIVERSIDE DRIVE KNOWN AS 45 A. 1905 EAST DRIVER..... RIVERSIDE DRIVE KNOWN AS 45 B, TRACT 46. 1005 AND 1,007 SUMMIT STREET, TRACT 47. 1301 SOUTH IH-35 SERVICE ROAD KNOWN AS TRACT 39 AND 1301 SOUTH I-35, KNOWN AS TRACT 50. THIS IS A ZONING CHANGE. THE LAST ITEM ARE THE NEIGHBORHOOD PLANS THAT WOULD BE ADOPTING THE EAST RIVERSIDE OLTORF NEIGHBORHOOD PLAN, VARIOUS LAND USE DESIGNATIONS AND FUTURE LAND USE MAPS FOR THOSE SAME PROPERTIES THAT I READ INTO THE RECORD EARLIER. THIS....THIS WOULD BE TO APPROVE WHAT YOU APPROVED ON SECOND READING AND I'LL GO QUICKLY THROUGH THESE TRACTS. AND ITEM NO. 49, AND ITEM NO. 51, THIS WOULD BE CONSENT APPROVAL AFTER SECOND READING ON TRACT NO. 222, TRACT 203, AND THIS IS BOTH THE ZONING AND THE FUTURE LAND USE, ITEM NO. 37, 39, 43 A AND THEN 43 B I NEED TO MAKE A CLARIFICATION ON. 45,

45 A -- AGAIN, I'M READING WHAT SECOND READING WOULD BE. 45 B IS THE SHORT DISCUSSION ITEM. 46, 47 AND 49 AND 50, AND THAT WOULD BE TO APPROVE THE ZONING AND THE FUTURE LAND USE MAP NO,.... FOR THOSE ITEMS EXCEPTING OUT 43 B AND 435 B, WE COULD OFFER THOSE AS CONSENT AS YOU APPROVED ON SECOND READING.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. HELP ME HERE. SO COUNCIL, WE HAVE A PROPOSED CONSENT AGENDA APPROVING ON THIRD READING ALL THAT WAS APPROVED ON SECOND READING EXCEPTING OUT TRACTS 43 B AND 45 B. THIS IS THE ZONING IN THE FUTURE LAND USE MAPS, SO GREG, THIS WILL BE ITEMS 49, 50 AND 51?

THAT'S CORRECT.

MAYOR WYNN: ALL THOSE CASES EXCEPTING 43 B AND 45 B, ON THIRD READING AS APPROVED ON THE SECOND READING?

THAT'S CORRECT. AND 43 B AND 45 B I'LL JUST NOTE FOR THE RECORD ARE ASSOCIATED WITH ITEMS 50 AND 51, AND WE CAN COME BACK TO THAT SHORTLY.

MAYOR WYNN: OKAY. I'LL ENTERTAIN THAT MOTION, COUNCIL.

LEFFINGWELL: I'LL MOVE APPROVAL OF 49, 50 AND 51 WITH EXCEPTION OF THE REFERENCES TO TRACTS 43 B AND 45 B.

MAYOR..... B.

AND MAYOR, I'VE JUST BEEN TOLD THAT THERE'S ALSO CONCERN ABOUT ITEM NO. 45, SO LET ME PULL THAT OUT WITH IT. I THINK THAT'S PROBABLY DISCUSSED IN CONTEXT WITH 45 B.

MAYOR WYNN: IS THAT TRACT 45?

THAT'S CORRECT, 45 WOULD REMAIN OUT.

MAYOR.....OUT.

LEFFINGWELL: I'LL INCLUDE THE REMOVAL OF TRACT 45 IN MY MOTION.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER LEFFINGWELL TO APPROVE THIRD READING. ALL THOSE APPROVED ON SECOND READING EXCEPTION 43 B, 45 AND 45 B, ZONING AND FUTURE LAND USE MAP. SECONDED BY COUNCIL MEMBER MARTINEZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

MAYOR, LET ME COME BACK THEN TO ITEM NO. 43 B. THIS WAS ORIGINALLY PART OF TRACT NO. 43, WHICH IS A MUCH LARGER TRACT. 2019, 2021 AND 2023 EAST RIVERSIDE DRIVE. ON THE MAP, AND WHEN THAT WAS ORIGINALLY APPROVED IT WAS THOUGHT THAT THIS PROPERTY WAS ACTUALLY OWNED BY THE SAME PROPERTY OWNERS ON THE LARGER TRACT 43, AND SO THIS PORTION OF THE ORIGINAL CONDITIONS LIMITING THE SITE TO GI DEVELOPMENT STANDARDS, 10% OPEN SPACE, A MINIMUM 10% OF THE GROWS WATER SHOULD.....SHALLBE USED FOR COMMERCIAL USES, A MINIMUM 25% OF THE GROWS SHALL BE USED FOR RESIDENTIAL USES AND WHEN IT WAS DETERMINED THIS WAS A SEPARATE PARCEL OWNED BY A DIFFERENT GROUP THIS WAS DISCUSSED WITH THE OWNER'S REPRESENTATIVE, MR. AND DRU MARTIN. THESE CONDITIONS PROBABLY, IN THE BEST LIGHT SHOULD NOT BE APPLIED TO THIS TRACT BECAUSE IT CANNOT BE DEVELOPED IF THEY DON'T WORK OUT AN AGREEMENT BETWEEN THE TWO PARTIES, INDIVIDUAL TRACT. THE ORIGINAL PLANNING COMMISSION RECOMMENDATION, WHEN IT WAS UNDERSTOOD THAT THESE WERE COMBINED WITH CO, WITH SIMILAR CONDITION, THE STAFF RECOMMENDATION ON THIS TRACT WAS FOR GR WITH MIXED USE BUILDING AND NEIGHBORHOOD

URBAN CENTER, WHICH HAPPENED TO BE ALSO WHAT THE NEIGHBORHOOD RECOMMENDED FOR THIS TRACT. SO STAFF HAS DISCUSSED THIS WITH THE OWNER'S REPRESENTATIVE, MR. MARTIN, AND HE WOULD BE AGREEABLE TO WITH THE NEIGHBORHOOD AND THE STAFF RECOMMENDED ON THIS PROPERTY, WHICH IS GR, WITH A MIXED USE -- GRMP, WITH A MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER FOR THIS PARTICULAR PROPERTY. AND THIS IS DIFFERENT, AS I MENTIONED, FROM WHAT THE COMMISSION RECOMMENDED AND WHAT YOU APPROVED ON SECOND READING, BUT AT THAT TIME WE THOUGHT THIS WAS PART OF THE LARGER TRACT, 43, THAT YOU'VE ALREADY TAKEN ACTION ON. SO THAT IS WHAT STAFF WOULD RECOMMEND THAT YOU CONSIDER.

MAYOR WYNN: QUESTIONS, COUNCIL, OF STAFF? COMMENTS? SO THEN.

LET ME GET CLARIFICATION. MR. MARTIN DOES NOT REPRESENT THAT PROPERTY OWNER.

MAYOR WYNN: MR. GUERNSEY, SO WHAT WOULD THE MOTION BE, THEN?

WELL, THE MOTION THAT STAFF IS SUGGESTING, NEIGHBORHOOD SUPPORT, WOULD BE GRMP WITH A MIXED USE BUILDING AND A NEIGHBORHOOD URBAN CENTER AS BEING INCLUDED ON THAT PROPERTY. AND THIS IS ON TRACT 43 B, AS YOU LOOK AT THE MAP IT'S A SMALLER TRACT, AND IT ORIGINALLY WAS PART OF THE TRACT THAT SURROUNDED THIS PROPERTY TO ITS WEST AND TO ITS SOUTH, WHICH IS A MUCH LARGER PROPERTY KNOWN AS TRACT 43.

MAYOR WYNN: COUNCIL, QUESTIONS? COMMENTS? PERHAPS I'LL ENTERTAIN THAT MOTION. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I BELIEVE I UNDERSTOOD THE RECOMMENDATION WAS LOT 43 B TO BE ZONED AS GR-MU NP?

GRNP WITH A MIXED USE BUILDING, SPECIAL USE AND NEIGHBORHOOD URBAN CENTER SPECIAL USE AS BEING OPTIONS --

LEFFINGWELL: GRNP WITH AN MU BUILDING.

RIGHT, AN MU BUILDING AND A NEIGHBORHOOD URBAN CENTER.

I'LL MOVE APPROVAL.

MAYOR WYNN: MOTION BY -- MOTION BY COUNCIL MEMBER LEFFINGWELL, SECOND BY MAYOR PRO TEM TO APPROVE THIS ON THIRD READING AS OUTLINED BY STAFF.

THAT WOULD INCLUDE THE FUTURE LAND USE MARK, WHICH HAS BEEN CONSISTENT THROUGHOUT THIS AS MIXED USE.

MAYOR WYNN: CORRECT. ANY COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. MOTION PASSES ON A VOTE OF 6-0.

THAT TAKES US THEN TO TRACT 45 AND 45 B. TRACT 45 IS LOCATED AT 1801 TO 1919 EAST RIVERSIDE DRIVE. COUNCIL APPROVED MIXED USE FOR THE FUTURE LAND USE MAP AND GRNP WITH A MIXED USE BUILDING AND THE NEIGHBORHOOD URBAN CENTER FOR TRACT 45, AND YOU CAN LOOK AT THE MAP AND THAT'S THE DARKER AREA. ITEM 45 B IS AN AREA THAT COUNCIL APPROVED ON SECOND READING AS CS AND C WITH A MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER, AND WE HAD A -- CHANGE TO THE FIELD NOTES BY 10 SQUARE FEET BUT THAT PROPERTY WAS LOCATED AT 1905 EAST RIVERSIDE DRIVE. I'D LIKE TO SHOW YOU SOME EXHIBITS THAT SPEAK TO THIS PROPERTY, AND DURING THE DISCUSSION OF TRACT 45 AND 45 B WE ALSO DISCUSSED TRACT 45 A, AND IF YOU RECALL THIS WAS AN EXISTING LOUNGE WHERE A

PORTION OF THE LOUNGE OCCUPIED A GREATER SQUARE FOOTAGE THAN THE COMMERCIAL LIQUOR SALES. THERE WAS QUITE A BIT OF DIALOGUE AT FIRST READING AND SECOND READING ABOUT THIS, AND THAT YOU NOW APPROVED THE FOOTPRINT FOR THE EXISTING LOUNGE THAT WAS ALREADY ON THE PROPERTY. ON TRACT 45, WHICH IS THIS TRACT LOCATED RIGHT HERE, 45 B OCCUPIES A SMALLER AREA, AND WHEN IT WAS ORIGINALLY ZONED, THE AREAS THAT YOU SEE THAT ARE IN PINK WERE ZONED CS-1, WHICH ALLOWED COMMERCIAL LIQUOR SALES, AND THE AREAS THAT ARE IN GREEN WERE RL ZONING, AND GR LESS THAN 10 ZONING THAT WAS LOCATED IN BLUE. THE AREA THAT WE'RE TALKING ABOUT SPECIFICALLY IS THIS AREA THAT IS LOCATED ON THE -- I GUESS THE NORTHERN WEST PORTION OF THIS PROPERTY, AND THE OWNER AGREED TO DOWN ZONE CERTAIN PROPERTIES IN EXCHANGE FOR UP ZONING OTHERS, AND WHAT IS PROPOSED THAT THE OWNER IS REQUESTING IS THAT THE TRACT THAT'S ZONED IN PINK -- THIS IS 45 A, 45 B IS RIGHT NEXT DOOR, WHICH IS THE SMALLER RECTANGULAR TRACT, THAT THAT TRACT OF LAND ALSO BE ZONED CS-1. THIS WAS ZONED CS AT YOUR SECOND READING. AT FIRST READING THERE WAS A LOT OF DISCUSSION ABOUT PROPERTY THAT WAS USED FOR COMMERCIAL LIQUOR SALES AND PROPERTY THAT WAS NOT USED FOR COMMERCIAL LIQUOR SALES. THIS IS TRACT 45 B IS ONE THAT'S NOT USED FOR COMMERCIAL LIQUOR SALES, BUT THE OWNER AND I MIGHT LET ANDY EXPLAIN A LITTLE BIT THIS TO YOU, THAT, AND WHEN YOU READ BACK THE TRANSCRIPTS, THERE WAS A LOT OF DISCUSSION ON 45 A BUT NOT SO MUCH DISCUSSION ABOUT 45 B. THERE WAS SOME MENTION BY SOME COUNCIL MEMBERS AND POSSIBLY THE MAYOR ABOUT DOWN-ZONING PARCELS THAT WEREN'T UTILIZED FOR LIQUOR SALES, AND THIS WOULD BE ONE OF THEM. BUT I THINK I LET ANDY SPEAK, AND HE'S JUST MERELY ASKING THAT SINCE WE ARE DOWN ZONING THE TWO TRACTS THAT ARE FURTHER TO THE NORTH, DOWN TO GR, THAT WERE CS-1, HE'S ASKING THAT THE TRACT THAT'S IN PINK BE ZONED CS-1, TO TRADE OFF THOSE TWO PIECES. AND

THAT'S THE ONLY ITEM THAT I HAVE ON THIS.

MAYOR WYNN: WELCOME, MR. MARTIN.

THANK YOU, MAYOR, GOOD EVENING, COUNCIL. I'M SORRY FOR THE CONFUSION THAT WE'VE -- THAT THIS HAS HAD, BUT THE TWO TIMES THAT WE'VE BEEN HERE, THE FOCUS OF THE CONFUSION WAS ON THE FOOTPRINT FOR THE EXISTING USE AND THE HISTORY OF IT, AND WE HAVE RESOLVED THAT WITH STAFF AND WE APPRECIATE THE COUNCIL'S ACTION AND THE STAFF RECOMMENDATION TO ZONE THE EXISTING FOOTPRINT AND WE UNDERSTAND THAT WE'RE GOING TO NEED TO COME THROUGH AND GET A CONDITIONAL USE PERMIT FOR THE ADDITIONAL SQUARE FOOTAGE, WHICH IS CURRENTLY BEING USED AS THE BAND STAND AREA OF THE CLUB. BUT IN THE FIRST DISCUSSION, WHEN IT WAS UNCLEAR EXACTLY WHERE THE EXISTING FOOTPRINT WAS, I THINK IT SLOPD OVER INTO THE -- THESE OTHER TWO SITES, AND THE END RESULT OF THAT WAS BECAUSE IT WAS UNCERTAIN, THE MOTION WAS TO NOT GRANT THE REQUEST OF THE OWNER TO EFFECTIVE SWAP THE LOCATION OF THE EXISTING CS-1 AT THE END OF THE BUILDING FOR THE INTERIOR SPACE BUT DO DOWN-ZONE IT TO GR AND INSTEAD OF ADDING THE CS-1 ZONING, JUST MAKE IT CS. AND MY -- THE UNDERSTANDING AND THE POSITION OF MY CLIENT WAS THAT SWAPPING THE CS-1 ZONING WAS AN ACCEPTABLE IDEA, BUT NOT DOWN ZONING IT.

MAYOR..... CS-1. SO WHAT I WOULD REQUEST AND ASK IS THAT YOU FOLLOW THE RECOMMENDATION OF THE -- THE ORIGINAL STAFF RECOMMENDS AND PLANNING COMMISSION RECOMMENDATION AND GRANT THE CS-1 ZONING ON TRACT 45 B, UNDERSTANDING THAT IF THE NIGHTCLUB EVER WERE TO SEEK TO EXPAND INTO THAT AREA, AND I'M NOT AWARE OF ANY PLANS TO DO SO, IT WOULD STILL HAVE TO BE DONE AND COULD BE DONE ONLY AFTER THE GRANT OF CONDITIONAL USE PERMIT. SO IT DOESN'T RESULT IN, I THINK WHAT WAS REFERRED TO THAT NIGHT, THE BIG BOX CLUB. IT WOULD HAVE TO COME THROUGH -- ANY EXPANSION WOULD HAVE TO COME THROUGH A

SEPARATE PROCESS AND THE OPPORTUNITY TO REVIEW THAT WOULD BE PRESENT AT THAT TIME.

MAYOR WYNN: THANK YOU, MR. BARTON. ANY QUESTIONS OF MR. BARTON, COUNCIL? COMMENTS? MR. GUERNSEY, SO IS THE LAST TRACT LEFT NOW 45 B?

THAT'S THE ONLY ONE THAT'S LEFT ON THIS MOTION SHEET.

MAYOR WYNN: AND AGAIN, IS MR. MARTIN CORRECT, WAS THE COMMISSION AND STAFF'S ORIGINAL RECOMMENDATION WAS THE CS-1 FOR 45 B?

THAT'S CORRECT. THE ORIGINAL MOTION BY THE PLANNING COMMISSION WAS TO GRANT CS-1 MP WITH A MIXED USE BUILDING AND A NEIGHBORHOOD URBAN CENTER FOR TRACT 45 B. STAFF RECOMMENDATION WAS SIMILAR TO THAT, AS YOU HEARD MR. MARTIN OBJECT WAS SUPPORTIVE OF THE NEIGHBORHOOD'S POSITION WAS TO GRANT LR MIXED USE BUILDING WITH NEIGHBORHOOD URBAN CENTER AND THAT WAS MAINLY BECAUSE THE SPACE WASN'T USED FOR ALCOHOL. MR. MARTIN IS CORRECT THAT IF THE ZONING WAS THROUGH FOR CS-1, THAT IF THEY WANTED TO OPEN UP A CLUB, WHETHER IT'S A FREESTANDING CLUB SEPARATE FROM THE ONE NEXT DOOR OR AN EXPANSION OF THE EXISTING CLUB, IT WOULD REQUIRE A CONDITIONAL USE PERMIT, WHICH REQUIRES A SITE PLAN APPROVAL BY OUR PLANNING COMMISSION AND AN AGREED PARTY COULD APPEAL THAT TO THE CITY COUNCIL IF THEY FELT SO INCLINED.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: BEFORE I START I WANTED TO ASK SOMEBODY WITH TECHNICAL SUPPORT IF THEY COULD -- MY COMPUTER HAS BEEN DEAD FOR A FEW MINUTES AND I DON'T KNOW, I CAN'T GET IT BACK UP. BUT AS IT RELATES TO THIS ZONING ITEM, YOU KNOW, I WAS ONE OF THE -- ONE OF THE PEOPLE UP HERE THAT HAD A LOT OF QUESTIONS

ON FIRST READING, AND I STILL HAVE RESERVATIONS ABOUT THIS BECAUSE EVEN THOUGH IT REQUIRES A CONDITIONAL USE PERMIT TO COME BACK, WHAT WE FOUND ON FIRST READING WAS THE EXISTING CLUB WAS USING, LIKE, A STAGE SPACE THAT SHOULD HAVE BEEN ZONED CS-1 BUT WAS NOT. AM I CORRECT?

THAT'S CORRECT MARTINEZ MARTINEZ AND IT LOOKED LIKE THEY EXPANDED INTO AN AREA THAT WASN'T ORIGINALLY PART OF THE CLUB.

THAT'S CORRECT MY UNDERSTANDING AS WELL. HOWEVER, THAT ISSUE WAS RESOLVED WITH 45 A. THEY STILL MAY NEED TO GET THE PERMISSION TO LAWFULLY OCCUPY THAT -- MARTINEZ MARTINEZ AND I WAS SUPPORTIVE OF THAT BECAUSE THEY HAD ALREADY EXPANDED INTO IT, IT WAS PART OF THE CLUB, IT WAS A STAGE NEAR THE DANCE, SO WE GAVE THEM THAT ADDITIONAL CS-1, IF YOU WILL.

THAT'S CORRECT MARTINEZ MARTINEZ AND SO.....

NOW THEY'RE COMPLIANT WITH THE SQUARE FOOTAGE THAT THEY HAVE AND THAT THEY'RE USING. MY FEAR IS THAT IF WE ZONE THIS ADJACENT PROPERTY CS-1, THAT, YOU KNOW, THE CURRENT, I GUESS, OWNER OF THE BAR OR THE MANAGER OF THAT BAR -- MY FEAR IS THAT THEY'LL JUST EXPAND INTO THAT FACILITY AND NOT COME HERE FOR A CONDITIONAL USE PERMIT.

AND IF THEY WERE TO EXPAND THAT WOULD BE ILLEGAL WITHOUT THE CONDITIONAL USE PERMIT.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTER TAIB..... ENTERTAIN A MOTION ON TRACT 45 B. MAYOR PRO TEM?

DUNKERLEY: THE PROPOSAL THAT THE STAFF AND PLANNING COMMISSION ORIGINALLY HAD, YOU'RE REALLY TAKING OFF SOME CS ZONING THAT'S NOT BEING USED RIGHT NOW FOR CS BUT COULD POTENTIAL IN THE FUTURE BE USED WITH A

CONDITIONAL USE PERMIT, RIGHT?

THAT'S CORRECT.

DUNKERLEY: SO YOU'RE REDUCING THE TOTAL AMOUNT OF POSSIBLE CS-1 USES AND CONSOLIDATING IT ALL INTO THAT ONE LITTLE CORNER. HOW MUCH ADDITIONAL SQUARE FOOTAGE IS INCLUDED THERE IN EXCESS OF WHAT THEY'RE ACTUALLY USING NOW?

IT'S NOT SO MUCH OF AN INCREASE OR DECREASE -- IT'S NOT SO MUCH OF AN INCREASE OR DECREASE AS IT IS TO ARRANGE IT SUCH THAT IT'S SWITCHING PLACES FROM WHERE IT IS. CURRENTLY IN THE CENTER, THE CS-1 ZONING IS FURTHER TO THE NORTH, AND THEY'RE ASKING TO PLACE IT TO THE SOUTH OF WHERE IT CURRENTLY EXISTS. AND IT WOULD ABOUT THE EXISTING CLUB THAT IS OPERATING.

DUNKERLEY: IS THAT CURRENTLY BEING USED AS CS-1?

THE AREA THAT THEY DESIRE TO HAVE THE CS-1 ZONING TO MY KNOWLEDGE IS NOT BEING USED TODAY, BUT COULD BE USED IN THE FUTURE IF THEY GOT A CONDITIONAL USE PERMIT TO OPERATE A BAR, EITHER ONE FREESTANDING OR ATTACHED..... ATTACH IT TO THE EXISTING --

DUNKERLEY: MOVING ONE PIECE BACK AND BLOCK..... BLOCKING OUT OR CHANGING THE EXISTING CS-1 ZONING --

THERE'S AN... CAMPAIGNING..... EXCHANGE OF CS-1 ZONING.

I'D LIKE TO FOLLOW UP ON THE MAYOR PRO TEM'S QUESTION BECAUSE I DIDN'T HEAR AN ANSWER TO WHAT I THOUGHT SHE ASKED. WE HAD A CERTAIN NUMBER OF SQUARE FEET THAT WAS CS-1 BEFORE?

YEAH. LET ME SHOW YOU THE EXHIBIT 1 MORE TIME.

LEFFINGWELL: OKAY.

DUNKERLEY: PUT THE LITTLE CHART UP THERE THAT HAS THE ORIGINAL ONE AND I THINK THAT'S THE PIECE THAT YOU'RE MOVING BACK.

THIS IS THE EXISTING AGREEING.....ING.....

ING...ING --OKAY. THIS IS THE EXISTING ZONING IN THE AREA, AND AS YOU LOOK TOWARD THE NORTHERN PORTION OF THE SITE THERE ARE TWO TENANT SPACES WHICH ARE CURRENTLY ZONED CS-1, AND THEN THERE IS A SMALLER -- SLIGHTLY SMALLER AREA THAT'S CURRENTLY ZONED LR TO THE REAR, AND THEN YOU HAVE THE EXISTING CLUB, WHICH IS THE LARGER PINK AREA.

OKAY. SO IT'S EVIDENT THAT BASED ON THAT THERE WILL BE LESS CS-1 SPACE AFTER THIS -- IF THIS.....THIS REQUEST IS APPROVED THAN THERE WAS BEFORE, BUT AS COUNCIL MEMBER MARTINEZ BROUGHT UP, THERE WAS THIS UNACCOUNTED FOR AREA THAT WAS BEING USED AS CS-1 BUT WHICH WAS NOT PROPERLY ZONED. IS THAT TAKEN INTO ACCOUNT HERE?

GUERNSEY: NO, THIS WOULD BE SEPARATE FROM THAT PARCEL AND THE AREA I THINK YOU WERE TALKING ABOUT WAS THIS LARGER PINK TRACT, AND THEN IF I GO OVER TO THE OTHER EXHIBIT, AGAIN, THIS IS THE LARGE OAR -- THE PINK TRACT WAS THE 45 A, WHICH THEY HAD A PORTION OF THE STAGE AND MAYBE SOME AISLE AND OFFICE AREA THAT WAS ASSOCIATED WITH THAT, THAT REQUIRED CS-1 ZONING TO MAKE THEM WHOLE AS FAR AS THE EXISTING LOUNGE. AND THE AREA THAT THEY'RE ASKING IS TO DOWN-ZONE -- OR THEY HAVE AGREED TO DOWN-ZONE EXISTING CS-1, WHICH ARE THESE TWO PINK SPACES, AND I WAS HANDED A SURVEY AND THEY LOOK LIKE TO BE APPROXIMATELY 12,048 AND 12,085 SQUARE FEET, AND THEY WOULD LIKE COUNCIL TO CONSIDER TAKING THE AREA THAT IS CURRENTLY LR, WHICH IS GREEN, AND UP-ZONING THAT TO CS-1, AND WHERE THAT -- THE NEW SQUARE FOOTAGE IS JUST UNDER 2,000 SQUARE FEET. IT'S 1987, SO THERE

WOULD BE A NET REDUCTION OF ABOUT 4 TO 500 SQUARE FEET OF CS-1 GOING FROM THE AREA THAT IS BLUE THAT WAS CURRENTLY ZONED CS-1 AND GOING TO WHERE -- AND SHIFTING IT OVER TO WHERE THE SMALLER PINK RECTANGULAR BOX IS. THERE IS A SLIGHT REDUCTION IN THE AREA, BUT NEITHER ONE OF THOSE SPACES ARE BEING USED FOR CS-1 USE AT THIS TIME.

DUNKERLEY: MAYOR, I HAVE ONE OTHER QUESTION.

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: I DO HAVE A QUESTION OF THE AGENT, MR. MARTIN, IF YOU COULD COME UP. I'M HEARING WHAT COUNCIL MEMBER MARTINEZ IS SAYING. THE -- THE FOLKS THAT ARE OPERATING THE BAR IN THE PINK, THEY ARE NOT THE OWNER OF THE --

NO, AND, IN FACT, THEY ARE A -- THE CURRENT CLUB IS I THINK CALLED LA RUMBA. AND IT IS A NEW TENANT THAT HAS BEEN THERE SINCE SOMETIME THIS SUMMER. HE OWNS -- OR MANAGES SOME CLUBS IN SAN ANTONIO. AND THE ONE THING THAT I WANTED TO RESPOND TO IS NO ONE HAS BEEN ABLE TO DETERMINE WHEN -- WHEN THE CLUB WAS EXPANDED TO ITS EXISTING FOOTPRINT. MY CLIENT IS THE MANAGEMENT COMPANY WHO'S BEEN MANAGING THIS PROPERTY FOR ABOUT THREE YEARS, AND IT DID NOT HAPPEN DURING THEIR PERIOD OF TIME. AND SO THE SUSPICION THAT THE CURRENT MANAGEMENT OR THE CURRENT TENANT WOULD STRIKE AGAIN AND EXPAND ILLEGALLY I DON'T THINK IS FOUNDED BY ANY LEGAL BASIS.

DUNKERLEY: WHAT I WAS GETTING TO IS WHAT CAN THE OWNER OF THE PROPERTY DO THAT WOULD GIVE US SOME ASSURANCE THAT THERE WOULD NOT BE CLUB CREEP OVER INTO THAT NEXT PROPERTY?

THERE IS AN EXISTING DISCO TECH RECORD STORE IN THE AREA THAT'S BEING SO... SOUGHT FOR THE

CS-1. I DON'T KNOW ANYTHING OF THE TERMS ABOUT THE LEASE, HOW LONG THAT LEASE IS IN PLACE, BUT OBVIOUSLY IF THAT SPACE WERE TO -- WOULD HAVE TO BE MADE AVAILABLE TO BE EXPANDED IN FROM THE CLUB, MEANING THE LEASE WOULD HAVE TO EXPIRE OR BE BOUGHT OUT. I DON'T KNOW ANYTHING ABOUT THAT HISTORY. BUT THE BEST PROTECTION THE CITY HAS IS, AS GREG HAD MENTIONED, IT WOULD REQUIRE A CONDITIONAL USE PERMIT, AND IF THE PLANNING COMMISSION AND THE COUNCIL ULTIMATELY WERE PERSUADED THAT THAT WAS AN APPROPRIATE CONDITIONAL USE PERMIT, WHEN AND IF THAT WAS APPLIED FOR, THEN THAT WOULD BE --

DUNKERLEY: I'M NOT TALKING ABOUT SOMEBODY COMING AND ASKING FOR A CONDITIONAL USE PERMIT. WHAT I'M TALKING ABOUT IS UNAUTHORIZED USE OF THAT SPACE FOR THIS CLUB. AND, YOU KNOW, CAN YOU BUILD A BIG HUGE BRICK WALL THERE THAT SOMEBODY WOULD NOTICE IF THEY TRIED TO TEAR IT DOWN? I'M NOT BEING FACETIOUS, BUT THAT'S WHAT I'M GETTING AT.

THERE IS AN EXISTING SPACE, THERE IS AN EXISTING WALL THAT SEPARATES THOSE TWO STRUCTURES. AND AGAIN, NOBODY IS GOING TO -- WE CAN TALK TO THE CLIENT AND ALERT THEM OF THE CONCERNS AND ALSO ADVISE THEM THAT IF THERE WAS ANY IDEA OF EXPANDING THE CLUB, THERE IS GOING TO BE A REQUIREMENT THAT THE CITY PROCEDURES ARE GOING TO HAVE TO BE FOLLOWED, AND CERTAINLY AFTER THE DISCUSSION AND FOCUS ON IT AT THIS TIME, I CAN'T IMAGINE SOMEBODY WANTING TO COME IN IN THE DEAD OF NIGHT AND TRY TO EXPAND THE CLUB WITHOUT SEEKING -- FOLLOWING ALL THE APPROPRIATE PROCEDURES.

DUNKERLEY: I THINK THAT WAS THE POINT -- I DON'T KNOW WHETHER COUNCIL..... IT'S THE POINT COUNCIL MEMBER MARTINEZ WAS TRYING TO GET TO BUT AS HE WAS TALKING THAT'S WHAT I WAS THINKING ABOUT. SO THERE'S A SOLID WALL

THERE, NO DOORS, NO --

YES, MA'AM.

-- WAY TO GET INTO THAT CLUB WITHOUT --

TWO PHYSICALLY SEPARATED SPACES. TWO BUSINESSES AT THIS POINT. AND THEY ARE NOT CONNECTED.

DUNKERLEY: OKAY. THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: I DIDN'T MEAN TO INTIMATE THAT YOUR CLIENT WHAT EGREGIOUSLY KNOCK A WALL DOWN AND EXPAND THEIR CLUB, BUT, YOU KNOW, WE HAVE INCREASED THE SQUARE FOOTAGE SO THAT THE CLUB CAN BE PROPERLY ZONED, AND WE ARE, YOU KNOW, LOOKING AT A NEIGHBORHOOD PLAN WITH A RECOMMENDATION, AND I THINK FOR THE MOST PART WE'VE BEEN EXTREMELY COOPERATIVE AS A COUNCIL WRELTION TO... WITH WITH RELATION TO REQUESTS FOR ZONING ALONG RIVERSIDE DRIVE. I THINK THERE'S ENOUGH CLUB SPACE AND IF IT'S NOT BEING USED AS CS-1 NOW AND IT'S JUST VACANT THEN, YOU KNOW, I DON'T WANT TO ENCOURAGE MORE CS-1 DEVELOPMENT. I DON'T WANT TO ENCOURAGE A LIQUOR STORE. I DON'T.....I DON'T WANT TO ENCOURAGE ANOTHER CLUB, EVEN IF THEY COME TO US WITH A PROPER REQUEST FOR A CONDITIONAL USE PERMIT. SO I'M GOING TO PROPOSE THAT WE ZONE THIS TRACK GR AND LEAVE THE CURRENT CS-1 AS IT IS, AS WE PASSED ON SECOND READING.

MAYOR WYNN: OKAY. THE SECOND READING ACTION WAS FOR CS ZONING NEIGHBORHOOD PLAN WITH A MIXED USE BUILDING AND A NEIGHBORHOOD URBAN CENTER, AND THAT WAS A SECOND READING ACTION. BASICALLY REMOVING THE 1.

MAYOR WYNN: THE 1 DESIGNATION.

AND I WOULD MOVE THAT IT'S ZONED GR WITH THE

ADJACENT STRUCTURES OTHER THAN THE CS-1.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ TO APPROVE ON THIRD READING GR AND.

MP, WAS THAT STILL ALLOWING THE MIXED USE BUILDING IN THE NEIGHBORHOOD URBAN CENTER? AND THEN ALSO DESIGNATING THAT TRACT AS MIXED USE FOR THE FUTURE LAND USE MAP?

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: YES.

MAYOR WYNN: YES.

MAYOR, WE CAN STILL TAKE ACTION ON 45 AS YOU HAD DONE ON SECOND READING, WHICH WAS THE OTHER PIECE OF THIS THAT MR. MARTINEZ PULLED OUT, AND THAT WAS TO ALLOW GRNP MIXED USED BUILDING NEIGHBORHOOD URBAN CENTER AND MIXED USE AS A FUTURE LAND USE MAP ON THE ENTIRETY OF 45, BASICALLY THE REMAINDER OF 45. SO THERE WOULD BE NO CHANGE IN THAT ACTION. I THINK MR. MARTINEZ ONLY WANTED TO HIGHLIGHT THAT THAT WAS A DOWN ZONING OF CS-1 AND THAT'S WHY I.. I.. HE WANTED TO HAVE THAT BEFORE YOU AT THE SAME TIME HE TALKED ABOUT 45 B.

MAYOR WYNN: SO NOW I'M CONFUSED. SO TRACT 45 B WAS WHAT WE WERE TALKING ABOUT JUST NOW, SO TRACT 45 --

45 IS THE ENTIRETY OF THE PROPERTY, AND MR. MARTINEZ WANTED TO BRING THAT TO YOUR ATTENTION THAT HE WAS DOWN-ZONING ON 45 AND HAD AGREED TO THAT, BUT HE WAS ASKING TO UP ZONE THE TRACT 45 B. THAT WAS MR. MARTIN.

DUNKERLEY: MAYOR AND COUNCIL, MR. MARTIN JUST HANDED THE CITY CLERK A PROTEST TO THE DOWN ZONING OF THE EXISTING CS-1 ZONING IMMEDIATELY NORTH OF TRACT 45 B FROM CS-1.

LET ME READ THE ENTIRE PROTEST. ON BEHALF OF OUR CLIENT RAY VAK MANAGEMENT AND THE OWNER OF THE TRACT IDENTIFIED AS TRACTS 45 AND 45 B AT 1905 EAST RIVERSIDE DRIVE ON ITEM 50 THE OWNER OPPOSES REZONING OF TRACT 45 B TO ANY ZONING DISTRICT OTHER THAN CS-1 MP AND TO THE DOWN ZONING THE EXISTING CS-1 ZONING IMMEDIATELY NORTH OF TRACT 45 B FROM CS-1.

I'D SUGGEST WE TABLE THESE TWO ITEMS. LET'S GO TO THE CONSENT AGENDA.

YES, BECAUSE THAT..... THAT WILL REQUIRE SIX VOTES AND I JUST WANTED YOU TO BE AWARE OF THAT.

MAYOR WYNN: COUNCIL, THEN, WITHOUT OBJECTION WE'RE GOING TO TABLE THE REMAINING TRACTS HERE ON THESE ITEMS 49, 50, 51. MR. GUERNSEY?

MAYOR AND COUNCIL, LET ME GO TO OUR 4:00 PUBLIC HEARINGS. ALL THESE ITEMS ARE EITHER CONSENT, PEOPLE OR DISCUSSION PEOPLE. LET ME START WITH THESE ITEMS. ITEM NO. 5.. 52 IS C 14-06-0220, FOR BUNGALOWS AT 2206 TO 2210 THORNTON ROAD. THIS IS A DISCUSSION PEOPLE. THE NEIGHBORHOOD HAS REQUESTED A POSTPONEMENT TO THE FIRST REQUEST. THE APPLICANT DISAGREES WITH THAT POSTPONEMENT REQUEST: ITEM NO. 53 IS C 1404-..... 1404-0196.01. THIS IS THE HORN BUILDING AT GUADALUPE AND AVENUE A. THE COMMISSION HAS POSTPONED ACTION OF THIS ITEM TO THE MEETING ON THE 13TH, SO STAFF IS REQUESTING A PEOPLE ON CONSENT OF ITEM NO. 53 TO YOUR FEBRUARY 15 MEETING. ITEM NO. 54 IS CASE C 14-06-..... 14-06-0200 AT 2003 SOUTH LAMAR. THIS IS A REZONING REQUEST FROM FAMILY RESIDENTS, SF-3 AND GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CSCO COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES, MIXED USE, CONDITIONAL OVERLAY OR CS-MU CO COMBINING DISTRICT ZONING. THIS WAS RECOMMENDED BY THE COMMISSION AND READY FOR APPROVAL ON ALL THREE READINGS. I HAD A NOTE FROM A

NEIGHBORHOOD REPRESENTATIVE THAT THEY JUST WANT TO SPEAK TO THIS ITEM BUT LEAVE IT ON CONSENT. SO MAYOR, IF YOU'D LIKE TO HEAR FROM THAT REPRESENTATIVE WE CAN HEAR FROM HIM NOW OR AT THE END --

LET'S GO THROUGH THE CONSENT AGENDA.

ITEM NO. 55 IS CASE C 14-06-0227. THIS IS FOR THE PROPERTY AT 5103 COMMERCIAL PARK PARK. THIS IS A ZONING REQUEST, STANDARD LOT OR I SF-2 DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICE, CONDITIONAL OVERLAY OR LI, CO COMBINING DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION REQUESTED THE REQUEST AND READY FOR ALL THREE READ I GUESS. 0183, AT RIO GRANDE PROPERTY LOCATED AT 605 AND 615 WEST 7TH STREET. THIS IS A PEOPLE REQUESTED BY ADJACENT PROPERTY OWNER TO THE -- THE APPLICANT WOULD AGREE, THIS IS A FIRST PEOPLE REQUEST, SO GUARANTEE THIS IS A CONSENT PEOPLE ON ITEM 56 TO THE 15TH. ITEM NO. 57, CASE C 14- -- C 14-72-015, AND IN PARENTHESES, RCA, FOR THE PROPERTY LOCATED AT 1517 EAST ANDERSON LANE. WE HAVE NOT BEEN ABLE TO CONTACT MR. BENNETT. I DON'T BELIEVE HE IS IN THE AUDIENCE. WE'VE CALLED HIM A COUPLE TIMES. SO STAFF WOULD SUGGEST A PEOPLE OF THIS ITEM. COUNCIL, WE HAVE A VERY HEAVY AGENDA ON THE 15TH. IF YOU WANT TO CONSIDER MAYBE THE 1ST. MR. BENNETT DID REQUEST A PEOPLE OF THIS ITEM AT YOUR LAST MEETING TO THIS AGENDA, AND WE DON'T HAVE AN EXPLANATION WHY HE'S NOT HERE. SO WE COULD OFFER EITHER THE SECOND OR THE 15TH OF FEBRUARY OR MARCH 1. ITEM NO. 58 AND 59 ARE RELATED ITEMS. THIS IS CASES MPA-06-009.01. UNIVERSITY ENTERPRISES. THIS IS AN AMENDMENT TO THE PLAN AND THE ITEM IS 59 CASE C 14-06-0159, UNIVERSITY ENTERPRISES. AGAIN, THIS IS A ZONING CHANGE REQUEST AT 1901, 1903 EAST 11TH STREET. I UNDERSTAND COUNCIL MEMBER COLE HAD REQUESTED EARLIER THAT THESE ITEMS BE POSTPONED. WE HAVE NEIGHBORHOOD PEOPLE, HOWEVER, THAT WOULD LIKE TO SPEAK TO THAT IF YOU WOULD LIKE TO HEAR THOSE FOLKS, TO PROTEST THE PEOPLE. THE

APPLICANT DOES NOT -- THE APPLICANT AGREES WITH THE PEOPLE REQUESTED BY THE COUNCIL. ITEM NO. 60 AND 61 ARE RELATED. THIS IS CASE NPA-06-0015.01. SPRINGDALE ROAD, EAST MLK COMBINED NEIGHBORHOOD PLAN AREA. THIS IS FOR A PROPERTY LOCATED AT ZERO SPRINGDALE AND THE RELATED ITEM IS THE ZONING CASE FOR THAT SAME PROPERTY. THE NEIGHBORHOOD HAS MADE A REQUEST FOR PEOPLE OF BOTH ITEMS TO THE 15TH. THE APPLICANT AGREES, SO ITEM NO. 60 AND 61 CAN BE OFFERED AS PEOPLE ITEMS TO THE 15TH.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. SO COUNCIL, A COUPLE OF QUICK DECISIONS. ITEM NO. 52, THERE IS A NEIGHBORHOOD FIRST REQUEST FOR PEOPLE..... POSTPONEMENT. THAT PERHAPS IF THE APPLICANT OR SOMEBODY IS IN OPPOSITION TO THAT TO COUNCIL, NOW WOULD BE THE TIME.

BLAIN STANS BURY IS HERE TO ADDRESS THAT.

GOOD EVENING, MAYOR AND COUNCIL. THANK YOU FOR YOUR TIME THIS EVENING. THIS HAS BEEN A LONG ZONING PROCESS FOR THIS PROJECT. IT IS ONE YOU'VE SEEN BEFORE LAST NOVEMBER. WE ARE GOING FOR SF 4 B. WE START OFF SF-3. HAD TO GO UP TO SF 5. NOW WE'RE TRYING TO GO BACK TO SF 4 B. SO WE HAVE HAD OVER THE PAST FEW MONTHS VERY EXTENSIVE DISCUSSIONS WITH THE NEIGHBORHOOD. WE HAVE BEEN VERY FORTHRIGHT IN OUR EFFORT TO PROVIDE A PROJECT THAT WILL ADDRESS THEIR CONCERNS. WE'VE TAKEN THE INITIATIVE TO ADD CONDITIONS INTO THE ORDINANCE THAT WAS PASSED BY COUNCIL FOR THE SF 5 IN NOVEMBER. WE HAVE PREPARED A VERY VERY DETAILED RESTRICTIVE COVENANT THAT HAS LOTS OF RESTRICTIONS IN IT, LOTS OF MATERIALS, STORM WATER PONDS, ARCHITECTURAL ELEMENTS, LIGHTING, THERE'S BEEN -- I GUESS I.. I CAN STOP THERE. THERE'S A LOT THAT'S GONE ON. WE DO NOT WISH TO MEET TWO OF THE NEIGHBORHOOD CONCERNS FOR LIMITING DENSITY TO 14 UNITS, WHICH IS LESS THAN WHAT'S ALLOWED BY ZONING, AND PROVIDING A PERFORMANCE BOND AS PART OF THE RESTRICTIVE

COVENANT. WE'RE AT AN IMPASSE ON THESE ITEMS, AND WE'VE HAD MEMBERS OF THE NEIGHBORHOOD THAT HAVE SHOWN UP AT THE LAST TUESDAY'S PLANNING COMMISSION THAT SAY THEY'RE JUST GOING TO OPPOSE ANY HIGHER ZONING OTHER THAN SF-3. AND SO WITH THAT IT'S DIFFICULT TO BELIEVE THAT ANY FURTHER DISCUSSION WITH THE NEIGHBORHOOD WOULD BE PRODUCTIVE WHEN IT COULD BE VERY POSSIBLE THAT WE ENTER AN AGREEMENT AND THEN THERE IS YET ADDITIONAL OPPOSITION. SO WE REQUEST THAT YOU DENY THE POSTPONEMENT REQUEST BY THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION IN... IN THIS PROJECT.

THANK YOU, MA'AM. QUESTIONS FOR THE APPLICANT, COUNCIL? I'LL JUST STATE THAT WE RECOGNIZE THERE ARE MANY TIMES WHEN IT'S NOT LIKELY THAT THERE..... THERE WILL BE ANY MOVEMENT FROM EITHER PARTY WITH A POSTPONEMENT. HOWEVER WE HAVE A STANDING PRACTICE TO ALWAYS GRANT THE FIRST REQUEST FOR POSTPONEMENT FROM EITHER SIDE, AND IT TAKES -- MY EXPERIENCE UP HERE IS THAT IT'S RARE THAT WE GO AGAINST THAT PRACTICE. IT'S SORT OF VIRTUALLY ACCEPTED AS PART OF THE -- OUR FORMAL PUBLIC HEARING PROCESS. SO IT WOULD TAKE A STRONG VOICE OF A COUNCIL MEMBER OR TWO TO BREAK THAT TRADITION. NOT HEARING THAT, I WOULD RECOMMEND, HOWEVER, THAT WE KEEP IT TO THE MINIMUM POSTPONEMENT AND THAT ITEM 52 BE POSTPONED TO FEBRUARY 15, 2007. AND I APPRECIATE YOUR PATIENCE. IF SO, THEN COUNCIL -- SO ITEM 52 WILL BE POSTPONED TO FEBRUARY 15, 2007, AS WILL 53. LET'S SEE, ON ITEM NO. 54, WE'RE PROPOSING TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS. HOWEVER, I THINK WE HAVE ONE SPEAKER WHO WOULD LIKE TO ADDRESS US. WELCOME, MR. JACK.

MAYOR, COUNCIL, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. I JUST WANT TO SAY THANK YOU TO THE APPLICANT. HE CAME AND MET WITH THE NEIGHBORHOOD ASSOCIATION AND DISCUSSED HIS ZONING REQUEST. THIS IS A

PIECE OF PROPERTY IN AN AREA THAT WE UNDERSTAND IS SURROUNDED BY COMMERCIAL ZONING. WE DON'T HAVE ANY OPPOSITION TO THIS AND WE JUST WANTED TO SAY THANK YOU TO THE APPLICANT FOR COMING AND SHARING HIS ISSUE WITH US AND TAKE IT ON CONSENT.

MAYOR WYNN: THANK YOU, MR. JACK. DULY NOTED. SO AGAIN, THE COUNCIL CONSENT AGENDA WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, 54 AND 55, POSTPONE CASE 56 TO FEBRUARY 15, 2007, UNLESS MR. BENNETT HAS ARRIVED, DOESN'T APPEAR TO HAVE. APOLOGIZE TO THE NEIGHBORS WHO ARE HERE, BUT I WILL AGREE WITH COUNCIL, WITH THE STAFF RECOMMENDATION TO POSTPONE ITEM 57 TO MARCH 1, 2007. AND THEN COUNCIL, WE HAVE A DECISION TO MAKE ON COMBINED CASES 58 AND 59, WHERE I BELIEVE IT WAS PRESENTED THAT THE NEIGHBORS ARE PROTESTING THE POTENTIAL POSTPONEMENT.

THAT'S CORRECT, AND ALSO ON...I'LL NOTE THAT COUNCIL -- THAT THERE WAS A MEMBER THAT HAD TAKEN PLACE IN THE NEIGHBORHOOD. THE APPLICANT CAME FORWARD TO THAT NEIGHBORHOOD MEETING. APPLICANT WAS REPRESENTED AND APPLICANT ARE HERE AND THE NEIGHBORHOOD REPRESENTATIVES ARE HERE. IF YOU'D LIKE TO HEAR THE RESULTS OF THE MEETING OF JANUARY 25, IF YOU RECALL THERE WAS A DISCUSSION OF POSTPONING IT POSSIBLY TO THE 25TH, BUT THAT WAS THE SAME NIGHT AS THE NEIGHBORHOOD PEOPLE THAT WAS GOING TO OCCUR. SO I BELIEVE THERE'S A MR. JIMMY BUTLER IS HERE THAT CAN SPEAK TO WHAT HAPPENED AT THAT MEETING, AND ALSO DONNA CARTER ON BEHALF OF THE APPLICANT IS HERE TO SPEAK TO THE EVENTS OF THAT EVENING IF YOU'D LIKE TO HEAR FROM THEM. BUT THERE ARE SEVERAL CITIZENS THAT WOULD LIKE TO SPEAK TO POSTPONEMENT.

MAYOR WYNN: CORRECT, AND OF COURSE OUR DILEMMA HERE IS WE'RE ALREADY LIGHT ONE COUNCIL MEMBER AND UNFORTUNATELY,

BECAUSE OF A CONFLICT, SHE CAN'T GET OUT OF, COUNCIL MEMBER COLE WAS GOING TO BE HAVING TO STEP DOWN HERE IN A FEW MINUTES, I BELIEVE. SO COUNCIL MEMBER COLE, WOULD YOU LIKE TO --

COLE: YES, UNFORTUNATELY I AM, BECAUSE OF CONFLICTS, GOING TO HAVE TO LEAVE AND I WAS -- DUE TO FAMILY EMERGENCIES OUT AND UNABLE TO MEET WITH THE NEIGHBORHOODS LAST WEEK AND I WOULD LIKE AN OPPORTUNITY TO DO THAT, SO I'M ACTUALLY MAKING THE MOTION TO POSTPONE THE ITEMS BECAUSE I'M HOPING THAT WE CAN REACH A COMPROMISE BETWEEN THE NEIGHBORHOOD AND THE APPLICANT BUT UNDERSTANDING THE NEIGHBORHOOD IS HERE AND HAVE WAITED A WHILE TO MAKE A PRESENTATION, I WOULD JUST LIKE TO ASK EACH OF THE SIDES TO MAKE A BRIEF PRESENTATION ABOUT THE SIDES BUT NOT CONDUCT A PUBLIC HEARING.

SO THEN -- SO COUNCIL MEMBER, WITHOUT OBJECTION WE COULD TAKE SOME INFORMAL TESTIMONY. WE WON'T CONSIDER THIS TO BE THE PUBLIC HEARING, BUT PERHAPS IF REPRESENTATIVES FROM BOTH THE PROPERTY OWNER AND SOME NEIGHBORS, WELCOME.

MY NAME IS RUDOLPH WILLIAMS. I'M PRESIDENT OF POSSESSION, WHICH IS THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS AND I'M A MEMBER OF BLACK NEIGHBORHOOD ASSOCIATION. WE WOULD LIKE TO -- I KNOW IT'S UNUSUAL, BUT WE WOULD LIKE FOR YOU TO FOLLOW THROUGH ON THE HEARING TODAY, AND LET US RESOLVE THIS ISSUE. BLACKSHIRE HAS MET WITH MISMEANS AND HER REPRESENTATIVES THREE TIMES, INCLUDING ON THE 25TH, AND EACH TIME THEY VOTED TO TURN DOWN THE ZONING REQUEST. OCEAN HAS MET WITH MS. MEANS TWICE AND VOTED TO TURN DOWN THE ZONING REQUEST. MS. MEANS CAME TOWARDS PLANNING COMMISSION AND SHE MET WITH THEM TWICE, ONCE IN AN INFORMAL HEARING, AND THEN AFTER WE LEFT SHE CAME BACK AND APPEALED TO THEM AGAIN AND THEY TURNED HER DOWN. WE WOULD LIKE TO

RESOLVE THIS ISSUE TONIGHT. IF BLACKSHIRE NEIGHBORHOOD ASSOCIATION, IF YOU-ALL WOULD STAND UP A MINUTE, ALL THOSE FROM BLACKSHIRE. LAST TIME WE CAME HERE WITH THE PLANNING COMMISSION WE HAD TO WAIT UNTIL ALL THE THE BICYCLE HELMET PEOPLE WERE FINISHED, AND THAT MEANS WE WERE HERE UNTIL 11:00.

MAYOR WYNN: I REMEMBER.

MOST OF US GOT HERE AT 3:00 TODAY. IT'S 8:00 NOW. WE HAVE REACHED THAT POINT IN THIS PARTICULAR PROCESS WHERE IT'S UP TO THE CITY COUNCIL TO MAKE DECISIONS AND WE WOULD HOPE THAT YOU WOULD DO IT TONIGHT.

MAYOR WYNN: FAIR ENOUGH. THANK YOU, MR. WILLIAMS. QUESTIONS FOR MR. WILLIAMS, COUNCIL? AND PERHAPS WE COULD -- WHY DON'T YOU APPROACH THE PODIUM.

MAYOR, CITY COUNCIL, I'M JIMMY, I'M CHAIRMAN OF THE BLACKSHIRE NEIGHBORHOOD ASSOCIATION. MUCH TIME HAS BEEN SPENT ON THIS CASE. MANY HOURS. WE...WE HAVE TO SITHERE AND WE HAVE MET WITH THE OWNER, APPLICANT, MRS. MEANS, TO NO UNCERTAINTY HAVE WE BEEN UNABLE TO REACH ANY TYPE OF AGREEMENT. WE ARE STANDING BY OUR ZONING TO THIS DAY. WE'VE WORKED VERY, VERY HARD FOR OUR NEIGHBORHOOD ZONING, AT LEAST TWO YEARS, SINGLE-FAMILY IS WHAT WE GOT OUT OF THE OVERALL CENTRAL EAST AUSTIN PLAN. WE ARE VERY PROUD OF OUR NEIGHBORHOOD, AND THIS CASE WE WOULD LIKE TO SEE GO AWAY BECAUSE EVERYBODY, EVEN CITY STAFF IS AGAINST IT. THE NEIGHBORHOOD IS TOTALLY AGAINST IT. AND I THINK IT'S JUST FRUITLESS TO MEET WITH MRS. MEANS ANY LONGER. AND I THINK THAT THE CITY COUNCIL SHOULD GO AHEAD AND HEAR THIS CASE TONIGHT. WE HAVE VERY MANY PEOPLE HERE READY AND PREPARED TO SPEAK.

MAYOR WYNN: YES, SIR. THANK YOU, MR. BUTLER. QUESTIONS FOR MR. BUTLER? COUNCIL? WELL,

PERHAPS IF WE COULD HEAR FROM -- I'M NOT SURE IF MS. CARTER STILL HERE? WELCOME.

THANK YOU. GOOD EVENING, COUNCIL. I VERY MUCH APPRECIATE THAT WE'VE BEEN HERE SEVERAL TIMES AND THAT THERE HAVE BEEN LONG EVENINGS EACH TIME, BUT BECAUSE OF SOME OF THE ISSUES THAT HAVE COME UP WE FEEL VERY STRONGLY THAT THERE IS POTENTIAL TO COME UP WITH WHAT A GOOD PROJECT IS AS COUNCIL MEMBER COLE SAID, IT'S ALSO BEEN SUGGESTED FROM OTHER COUNCIL MEMBERS THAT WE GET TOGETHER, AND -- BUT GIVEN THAT WE FEEL THAT ANY PUBLIC TESTIMONY NEEDS TO BE WITH A FULL COUNCIL AND WE'RE NOT GOING TO BE ABLE TO HAVE THAT THIS EVENING. WE UNDERSTOOD THAT. WE TRIED TO NOTIFY THE NEIGHBORHOOD OF THAT, AND THEY SHOWED UP NOT WANTING TO MAKE THAT CHANGE. SO IT'S REALLY IN THE IDEA OF TRYING TO MEET IN KIND OF AN ARBITRATING SITUATION, OR AN ARBITRATION SITUATION, TO GO OVER WHERE WE'RE WILLING TO GO BUT TO ALSO BE ABLE TO HAVE THE COUNCIL, QUITE FRANKLY, OF THE FULL COUNCIL. THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

Mayor Wynn: COUNCIL, WE HAVE A REQUEST BY A COLLEAGUE AND AN ABSENT COLLEAGUE. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M INCLINED TO RESPECT COUNCILMEMBER COLE'S FOR A POSTPONEMENT. I BELIEVE SHE STATED THAT SHE'S BEEN ATTEMPTING TO BRING THE TWO SIDES TOGETHER FOR FURTHER DISCUSSIONS, AND I KNOW THAT DUE TO A PERSONAL FAMILY EMERGENCY SHE HAS NOT HAD TIME TO DO THIS YET, SOOND IF IT IS STILL YOUR REQUEST, I WOULD CERTAINLY SUPPORT IT. AND MAYOR, COULD I ALSO SAY, YOU NO, I REGRET THAT -- I UNDERSTAND IT'S A GREAT INCONVENIENCE FOR THE PEOPLE IN THE NEIGHBORHOOD TO HAVE TO COME BACK DOWN HERE AGAIN, BUT THIS IS AN UNUSUAL SITUATION AND I ASK FOR YOUR UNDERSTANDING ON THIS

MATTER.

Mayor Wynn: SO THEN COUNCIL, WITHOUT OBJECTION, AND REGRETFULLY BECAUSE OF THE INCONVENIENCE FOR SO MANY PEOPLE, THE PROPOSED CONSENT AGENDA TO BE TO POSTPONE ITEM 58 AND 59 ONCE AGAIN TO FEBRUARY 15... 15TH, 2007. AND ITEMS -- COUNCIL, ITEM NUMBER 60, 61 IS PROPOSED POSTPONEMENT TO FEBRUARY 15TH, 2007 AS WELL. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

Dunkerley: MAYOR, WHAT HAPPENED WITH THE CS-1 ZONING? IS THAT PORTION GOING TO BE POSTPONED?

...

Mayor Wynn: IT'S JUST TABLED RIGHT NOW WANT WE HAVE A REQUEST TO POSTPONE THAT, BUT WE'LL GET TO THAT IN A FEW MINUTES.

Dunkerley: I'M REALLY CONFUSED ON IT. I'D LIKE TO POSTPONE THAT UNTIL THE 15TH AND AT LEAST TIME TO TALK TO THE STAFF AND MAKE SURE I UNDERSTAND WHAT WE'RE DOING.

Mayor Wynn: WE'LL TAKE THAT UP LATER.

Dunkerley: I WILL MOVE APPROVAL OF THE CONSENT AGENCY.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ.

Leffingwell: MAYOR, CAN I ASK FOR A CLARIFICATION DUE TO THE NOISE, I WAS UNABLE TO HEAR WHAT THE MAYOR PRO TEM SAID.

Mayor Wynn: SHE WAS ASKING ABOUT MR. MARTIN'S CASE, TRACT 45 AND 45-B, THAT PORTION OF ITEMS 50 AND 51 THAT WE HAD TABLED EARLIER. THAT IS NOT PART OF THESE PUBLIC HEARING. DUNK I'VE MADE A MOTION TO APPROVE THE CONSENT AGENDA WITHOUT THE TABLED ITEMS. LEAF THEY

HAVE THEN I'LL --

Leffingwell: THEN I'LL SECOND.

I CAN READ THROUGH THESE QUICKLY.

Mayor Wynn: THE CONSENT AGENDA IS TO POSTPONE ITEMS 52 AND 53 TO FEBRUARY 15TH, 2007, TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 54 AND 55. SO POSTPONE CASES 56 ALSO TO FEBRUARY 15TH, 2007. POSTPONING 57 TO MARCH 1st... 1st, 2007. TO POSTPONE ITEMS 58 AND 59 TO FEBRUARY 15TH, 2007 AS WE WILL DO ON THE COMBINED CASE 60, 61 POSTPONEMENT TO FEBRUARY 15TH. MAYOR PRO TEM?

Dunkerley: I GOT A MESSAGE FROM COUNCILMEMBER COLE AND SHE WOULD LIKE TO SET THE CASE SHE ASKED TO BE POSTPONED FOR A TIME CERTAIN. CAN SHE DO THAT NEXT WEEK OR TODAY?

Mayor Wynn: WE CAN DO THAT WITH PROPER POSTING 72 HOURS IN ADVANCE.

Dunkerley: I DON'T KNOW WHAT TIME SHE WANTS.

YOUR AIDE INDICATED 6:15. AND SHE'S GIVING THAT A THUMB'S UP, SO WE CAN POST THAT FOR A TIME CERTAIN AT 6:15.

Dunkerley: SO IF WE CAN THAT IN THE MOTION, THAT WOULD BE --

Mayor Wynn: WITHOUT OBJECTION, THANK YOU, COUNCILMEMBER. MOTION AND A SECOND TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO. NOW WE CAN TAKE UP THE EARLIER TABLED ITEM, TRACTS 45 AND 45-B, THE PORTIONS OF ITEM 50 AND 51. WE NOW HAVE A APPLICANT REQUEST TO POSTPONE TO MARCH 1st, 2007. COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I HAD MADE A MOTION THAT WAS

PENDING AND I MADE A MOTION TO ZONE GR.

Mayor Wynn: THANK YOU FOR REMINDING ME. WE HAVE A MOTION AND DO WE HAVE A SECOND?

Dunkerley: NO. MAYOR MAY I CAN'T REMEMBER WHETHER WE HAD A SECOND OR NOT.

Martinez: BASED ON THE PROTEST THAT WAS FILED, I DON'T BELIEVE WE HAVE A UNANIMOUS VOTE HERE. THAT'S JUST MY SENSE. IT'S DISENHEARTENING TO SEE THAT WE TAKE A CLUB THAT WAS TOTALLY NON-COMPLIANT AND WE COULD HAVE DONE OTHER THING WITH THIS CLUB, SUCH AS SHUT IT DOWN AND MAKE THEM COME BACK FOR A ZONING CASE. AND THROUGH THE NEIGHBORHOOD PLAN WE UNDERSTAND AND REALIZE THAT IT'S MAYBE NOT THEIR FAULT. THEY'RE NOT THE ONE THAT NECESSARILY DID IT. THEY'RE IN A SPACE AND ILLEGALLY OCCUPYING A SPACE AND USING IT AS CS-1. SO WE FIX THAT THROUGH THE NEIGHBORHOOD PLANNING PROCESS. AND AT THE SAME TIME WE MAKE ACKNOWLEDGMENTS AND COMMITMENTS TO TRY TO DOWN ZONE SOME CS-1 WRF.....1 WHEREVER POSSIBLE IF IT'S NOT BEING USED,. IF IT'S A VACANT SPACE. AND IT'S DISCOURAGING TO SEE THAT. I STILL WANT TO MAINTAIN MY MOTION FOR GR. IF IT DIES FOR LACK OF A SECOND, THEN I WILL JUST OPPOSE ANY CS-1 ZONING.

MAYOR, COUNCIL, THIS IS THIRD READING. I UNDERSTAND MR. MARTIN HAS PRESENTED YOU A PETITION TO DOWN ZONE THE EXISTING CS-1 ON ITEM 45, TO OVERRIDE THE PETITION THAT HAS BEEN COMMIT SCHMIDTED TO YOU THIS EVENING. IT WOULD TAKE SIX AFFIRMATIVE VOTES TO DO SO, AND YOU HAVE FIVE COUNCILMEMBERS ON THE DAIS. SO EVEN IF ALL OF YOU VOTED TO MAKE THE MOTION TO REJECT THE PETITION AND VOTE FOR THE ZONING YOU APPROVED ON SECOND READING, THE MOTION --

Mayor Wynn: THE ZONE CHANGE.

THE ZONING CHANGE WOULD FAIL. WHAIRKS HAVE

YOU IS A --

WHAT YOU HAVE IS A PROTEST AGAINST A DOWN ZONING. ANYTHING OTHER THAN CS-1-NP. SO IF YOU VOTED TO DO CS-1-NP THIS EVENING, THEN THE PETITION HAS NO EFFECT. YOU HAVE A MOTION FOR GR RIGHT NOW. ONCE THAT MOTION IS DISPOSED OF, WHETHER BY LACK OF A SECOND OR WHATEVER, AT THAT TIME IT'S APPROPRIATE TO CONSIDER WHETHER YOU WANT TO POSTPONE THIS MATTER OR WHETHER YOU WANT TO FORCE IT TO A VOTE. THE ONLY POSSIBLE VOTE THAT COULD PASS ON THREE READINGS IS CS-1-NP. IF YOU PROCEED TO A VOTE ON ANYTHING ELSE, THEN THE ZONING WILL BE DENIED. THE REQUEST FOR CS-1-NP WOULD BE DENIED. IT WOULD FAIL.

Martinez: SO THEN WOULD WE GO BACK TO THE CS-1
--

THE CS-1 ZONING WOULD REMAIN WHERE IT IS, NOT ATTACHED.

YOU WOULD NOT HAVE AN NP ATTACHED.

WE COULD ASK FOR CLARIFICATION FROM MR. MARTIN IF HE WAS OBJECTING TO -- BECAUSE SOME OF THESE WOULD BE UP ZONED FROM LR TO GR AND SOME OF THESE WOULD BE DOWN ZONED FROM CS TO GR AND HE COULD CLARIFY HIS PETITION. I'VE NOT SEEN IT.

COUNCIL, I'M SIMPLY TRYING TO PROTECT THE POSITION THAT CLIENT HAS EXPRESSED AT THIS POINT. THE REASON I CD FOR THE POSTPONEMENT IS SO SO THAT WE CAN HAVE AN TOWNT DISCUSS WITH THE CLIENT THE IMPACT OF JUST FULL GR ZONING ALL ALONG THERE. AS THE MOTION WHICH FRANKLY CAUGHT ME BY SURPRISE, WOULD ASK FOR. MY MIGHT..... CLIENT HAS NO PROBLEM WITH THAT. THE PETITION CAN BE WITHDRAWN AND YOU CAN PROCEED. WHAT I'M ASKING FOR IS A POSTPONEMENT TO MARCH 1st.

Martinez: I'LL SUPPORT A POSTPONEMENT, MAYOR.

Mayor Wynn: SO ORIGINAL MOTION WITHDRAWN BY THE -- AMENDED TO IN FACT BE A POSTPONEMENT OF TRACTS 45 AND 45-B, A PORTION OF ITEMS 50 AND 51 TO MARCH 1st, 2007. SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: I VOTED .. AGAINST THIS ORIGINALLY, SO I'LL WORK WITH THE APPLICANT AND WITH COUNCILMEMBER MARTINEZ'S OFFICE TO MAKE SURE THAT WE CAN DO AS LITTLE CS-1 AS POSSIBLE. MY GOAL WAS TO MAKE SURE THERE WASN'T A BIG BOX BAR, WHICH THIS LOOKS LIKE IT WOULD BE. OKAY?

Mayor Wynn: AGREED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. MAYOR MAY OPPOSED? MOTION TO POT PONY PASSES ON A VOTE OF FIVE TO ZERO.

MAYOR, THAT CONCLUDES THE ZONING ITEMS THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, THAT TAKES US TO A COUPLE OF PUBLIC HEARINGS. WE HAD ALREADY POSTPONED PUBLIC HEARING 65 AND 66, SO WE'LL TAKE UP ITEM NUMBER COUP REGARDING -- ITEM NUMBER 62 REGARDING STANDARDS FOR CAR PARKS DEPARTMENT CHILDREN'S REC PROGRAM. WELCOME MR. WARREN STRUSE.

THANK YOU VERY MUCH, MAYOR, MAYOR PRO TEM, COUNCIL. WARREN STRUSE, DIRECTOR OF THE AUSTIN PARKS AND RECREATION DEPARTMENT. COUNCIL, YOUR APPROVAL OF THIS ORDINANCE TONIGHT WILL REESTABLISH LOCAL STANDARDS OF CARE FOR OUR CHILDREN'S PROGRAM IN THE PARKS AND RECREATION DEPARTMENT. AS YOU PROBABLY REMEMBER, IT IS AN ANNUAL REQUIREMENT BY THE STATE OF TEXAS TO APPROVE AND TO ADOPT THE STANDARDS OF OCCASION AFTER A PUBLIC HEARING. SO WE ASK

FOR YOUR APPROVAL TONIGHT.

Mayor Wynn: WE HAVE NO ISN'TS SIGNED UP TO SPEAK. QUESTIONS OF STAFF, COUNCIL? IF NOT, EYEING ENTERTAIN A MOTION. -- I'LL ENTERTAIN A MOTION. MOTION BY COUNCILMEMBER MARTINEZ TO APPROVE PUBLIC HEARING AND APPROVE THE ORDINANCE BY STAFF. SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING HEEG. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO. THANK YOU, MR. STRUSE. OUR NEXT PUBLIC HEARING, ITEM 63, IS REGARDING, ON AN APPEAL BY MICHELLE SCHNEIDER AND CHARLIE PALMER OF THE ZONING AND PLATTING COMMISSION'S..'S DECISION TO DENY CONDITIONAL USE PERMIT FOR THE SHADY OAKS DOG KENNEL. WE'D APPRECIATE A BRIEF STAFF PRESENTATION.

MAYOR AND COUNCIL, THE NOTATION I HAVE ON MY AGENDA WAS THAT THAT MATTER WAS WITHDRAWN. I DO NOT SEE STAFF HERE. IF CAN YOU HANG ON JUST A SECOND.

OR IT IF MS. GENTRY CAN CONFIRM WHETHER WE HAVE TAKEN, ON ITEM 63. PERHAPS IN OUR CHANGES AND CORRECTION THZ MORNING WE MAY HAVE NOTED A WITHDRAWAL OF THIS PUBLIC HEARING?

IF YOU WOULD LIKE TO PROCEED TO 62, I CAN TRACK DOWN STAFF.

Mayor Wynn: WE'LL GO TO ITEM 64, WHICH IS TO CONDUCT A PUBLIC HEARING TO CONSIDER A FLOODPLAIN VEARNGS AND WILL CONSIDER A BRIEF STAFF PRESENTATION.
YORJ....GEORGIA.....GEORGE OSWALD.

THE APPLICANT HAS JUST INFORMED ME THAT HE IS REQUESTING A POSTPONEMENT OF THIS ITEM.

Mayor Wynn: LET'S SEE. WE HAVE ONE CITIZEN HERE WHO HAS SIGNED UP IN OPPOSITION, THE APPEAL, I GUESS, SO -- I GUESS IT WOULD BE THE -- I'M SORRY.

WAS THERE A SPECIFIC POSTPONEMENT REQUEST?

ABOUT TWO MINUTES AGO.

Mayor Wynn: TWO WEEKS, MARCH 1st?

JUST FOR A FULL COUNCIL. I'D LIKE TO HAVE A FULL COUNCIL.

Mayor Wynn: WELL, WE'RE DROPPING LIKE FLIES, MR. BENTLY.

[INAUDIBLE - NO MIC].

Mayor Wynn: I'LL TELL YOU WHAT, WE DON'T MEET NEXT WEEK, WE MEET ON THE 15 ITS AND I'LL WARN THAW THAT AGENDA IS LOOK -- AND I'LL WARN YOU THAT THAT AGENDA IS LOOKING CHALLENGE TO GO SAY THE LEAST. IF YOU CAN BE PATIENT ENOUGH TO WAIT UNTIL MARCH 1st, MY INSTINCT IS IT WOULD BE A SLIGHTLY MORE CONVENIENT EVENING FOR YOU AND/OR YOUR NEIGHBORS. SO CONFIRMING, PUBLIC HEARING NUMBER 63 HAS BEEN WITHDRAWN. BUT BEFORE WE TAKE, ON THIS, I THINK IT WOULD BE APPROPRIATE, MR. -- IT LOOKS LIKE PERHAPS GARDENER SUMNER HAS SIGNED UP - - WOULD YOU LIKE TO ADDRESS US? WE'RE ABOUT TO POTENTIALLY TAKE, TO POSTPONE, AND IT WOULD BE NICE TO GET INPUT FROM YOU IF THAT IS EGREGIOUSLY INCONVENIENT FOR YOU. WELCOME, SIR.

GOOD EVENING, MAYOR, COUNCILMEMBERS. I KNOW IT'S BEEN A LONG DAY, BUT -- AND I'M FRANKLY A LITTLE PUZZLED AS TO WHY IT'S NECESSARY FOR ME TO COME UP TO THE PODIUM ABOUT THIS ISSUE BECAUSE IT SEEMS ON THE FACE OF IT TO BE A RATHER LUDICROUS ISSUE. I HAVE NO REASON TO DISCOUNT THE APPLICANT AND HIS CASE; HOWEVER, I STRONGLY OPPOSE THIS REQUEST --

Mayor Wynn: I'M SORRY, YOU STRONGLY ONS QUT TO POT PONY? -- STRONGLY OPPOSE THE REQUEST TO POSTPONE?

I STRONGLY OPPOSE THE APPLICANT'S REQUEST BECAUSE ON THE FACE OF IT, AS AN INDIVIDUAL CITIZEN -- BY THE WAY, I'M GARDENER SUMNER. I LIVE ON TREADWELL IN SOUTH AUSTIN. IT'S MY UNDERSTANDING THAT PEOPLE DON'T BUILD HOUSES ON FLOODPLAINS, ESPECIALLY 25-YEAR FLOODPLAINS. WHY DON'T THEY? WELL, BECAUSE THEY'RE GOING TO GET FLOODED. THE HOUSES ROT AND THE CITY HAS TO PAY MORE HUNDREDS OF THOUSANDS OF DOLLARS TO HAUL THEM AWAY. SO I DON'T UNDERSTAND WHY THIS IS EVEN BEING CONSIDERED. ESPECIALLY WHEN PLANNING SUGGESTED THIS THA THIS BE DENIED, WITH GOOD REASON. I SHOULD SAY STAFF, NOT PLANNING.

Mayor Wynn: MR. SUMNER, CAN I.....IF I CAN, WE FREQUENTLY GET REQUESTS BY PROPERTY OWNERS FOR VARIANCES, AND OFTEN TIMES IT'S WOI WITHOUT THE RECOMMENDATION FROM CITY STAFF, BUT EACH CITIZEN PROPERTY OWNER HAS THE RIGHT TO COME TO COUNCIL AND ASK FOR THAT VARIANCE. AND EVERY CASE IS DIFFERENT AND THERE'S OFTEN TIMES THEY ARE DENIED AND OCCASIONALLY THEY ARE APPROVED. BUT WE'RE TRYING TO SETTLE HERE RIGHT NOW IS MR. BENTLEY'S REQUEST TO POSTPONE UNDERSTANDABLY BECAUSE IT WOULD BE NICE --

I DON'T WANT TO DENY HIS REQUEST TO POSTPONE AL AT ALL.

Mayor Wynn: NO, SIR. I WANTED TO MAKE SURE THAT THAT WHEANT INCONVENIENT FOR YOU TO COME BACK ON MAFN 1st.

NOT AT ALL.

Mayor Wynn: YOU AND/OR ANY OTHER NEIGHBORS WILL HAVE THE FULL PUBLIC HEARING.

THANK YOU, AS I RECALL.

Mayor Wynn: THANK YOU. SORRY TO CUT YOU OFF. SO COUNCIL, I'LL ENTERTAIN A MOTION ON ITEM 64 TO POSTPONE TO MARCH 1st, 2007. MOTION BY COUNCILMEMBER MARTINEZ THAT I WILL SECOND

TO POSTPONE THIS PUBLIC HEARING TO THE FIRST OF MARCH. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS MCCRACKEN AND COLE OFF THE DAIS. MS. GENTRY, DOES THAT NOW -- ON 65 AND 66 HAVE BEEN POSTPONED. SO THERE BEING NO MORE ITEMS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 8:20 P.M.

**End of Council Session Closed Caption
Log**